Pamphlet 3

MISSISSIPPI

ADVANCE SHEETS

2021 Legislative Session
General Laws

LexisNexis

MISSISSIPPI GENERAL LAWS ADVANCE SHEETS 2021

Regular Session

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PREFACE

Contents; publication schedule.

The 2021 Advance Sheets of the General Laws of Mississippi are part of the supplementation service for your official *Mississippi Code of 1972 Annotated,* and consist of a series of pamphlets issued during the 2021 Legislative Session of the State of Mississippi. The purpose of this service is to provide you with the most timely legislative information possible, and to make the most recent changes to the *Mississippi Code* available to you in an easy-to-use format.

The Advance Sheets contain all public acts enacted by the Legislature and approved by the Governor during the 2021 Regular Session. This pamphlet, the third in the series, contains the third 56 general bills that have become law. The fourth pamphlet will contain the remainder of the acts from the 2021 Regular Session. Appropriation bills and private and local bills are not included in the Advance Sheets.

The acts are arranged in order by House Bill and Senate Bill number, with House Bills appearing first. The final pamphlet will contain a cumulative table of House Bills and Senate Bills and their corresponding chapter numbers.

Summary of acts; tables; index.

To assist you in locating pertinent legislation, the Advance Sheets include several tables and other features prepared by the editorial staff of the publisher. Included in this Pamphlet 2 are the following:

- a **Summary of Acts** summarizing the subject of each act in the pamphlet;
- **Cumulative Legislative Summaries** giving brief descriptions of important legislation;
- a **Cumulative Table of Code Sections Affected** showing the impact of legislation on sections of the *Code*;
- a comprehensive, cumulative **Index**, with headings based on the headings that are used in the general index to the *Code.*

In addition, the following tables will be added to the final pamphlet:

- a **Cumulative Allocation of Acts Table** showing each general law and its effect on the section of the Code;
- **Cumulative Tables of House Bills and Senate Bills** and their corresponding chapter numbers.

As an added research feature, we have included an individual **Act Summary** preceding each General Law. This summary contains (1) a description of the act, (2) the legislative history of the act, (3) background information, such as the effective date and disposition of the act, (4) the House and Senate committees to which the act was referred, (5) the principal author of the act, and (6) a list of the *Code* sections affected by the act. To better utilize these act summaries, you should be familiar with the following abbreviations and their meanings:

- Under the heading "Background Information"
  "VRA" = Voting Rights Act
  "App. Req." = Approval Required
- Under the heading "Code Sections"
  "A" = Amended
  "R" = Reenacted
  "RA" = Reenacted and Amended
  "RP" = Repealed
  "BF" = Brought Forward

Treatment of acts in the Advance Sheets.

The most recent General Laws are printed herein exactly as passed. No corrections or other editorial changes have been made.

The Legislature has indicated changes to *Code* materials by using the following symbols:

- Single underscoring of material appearing in an act indicates text that will appear as newly added language in the *Mississippi Code*. For an entirely new section, the section number will be underscored. Double underscoring in the text of an act reflects an amendment to the language of the original bill.
- Triple asterisks (***) appearing in an act indicate the deletion of text from a section of the *Mississippi Code*. Where asterisks appear on a line by themselves, the deletion of one or more paragraphs is indicated.

Treatment of acts in *Mississippi Code of 1972 Annotated.*

It is IMPORTANT to note that the treatment of some legislation, when it later appears in the *Mississippi Code of 1972 Annotated*, may be subject to change for various reasons. For example:

- Certain sections of the acts printed in this Advance Sheet were not assigned *Code* section numbers; in these instances, the publisher's staff of legal analysts will suggest *Code* section designations, and these recommendations will be sent to the Joint Legislative Committee on Compilation, Revision and Publication of Legislation for approval;
- *Code* section number assignments might be changed, pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with previously existing section numbers or because of other refinements made during the editorial process; or
- Text of sections might be changed, also pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with other approved legislation from the 2021 Legislative Session.

Any such changes will be reflected in the 2021 *Mississippi Code of 1972 Annotated* supplements and replacement volumes.

PREFACE

Information, suggestions, comments, and questions.

Visit the LexisNexis website at http://www.lexisnexis.com to find an online bookstore, technical support, customer service, and other company information.

Suggestions, comments, or questions about the *Mississippi Code* or the Advance Sheets are always welcome. You may contact us by calling us toll-free at (800) 833-9844, faxing us toll-free at (800) 643-1280, e-mailing us at customer.support@bender.com, or writing to *Mississippi Code* Editor, Matthew Bender & Co., Inc., 555 Middle Creek Parkway, Colorado Springs, CO 80921.

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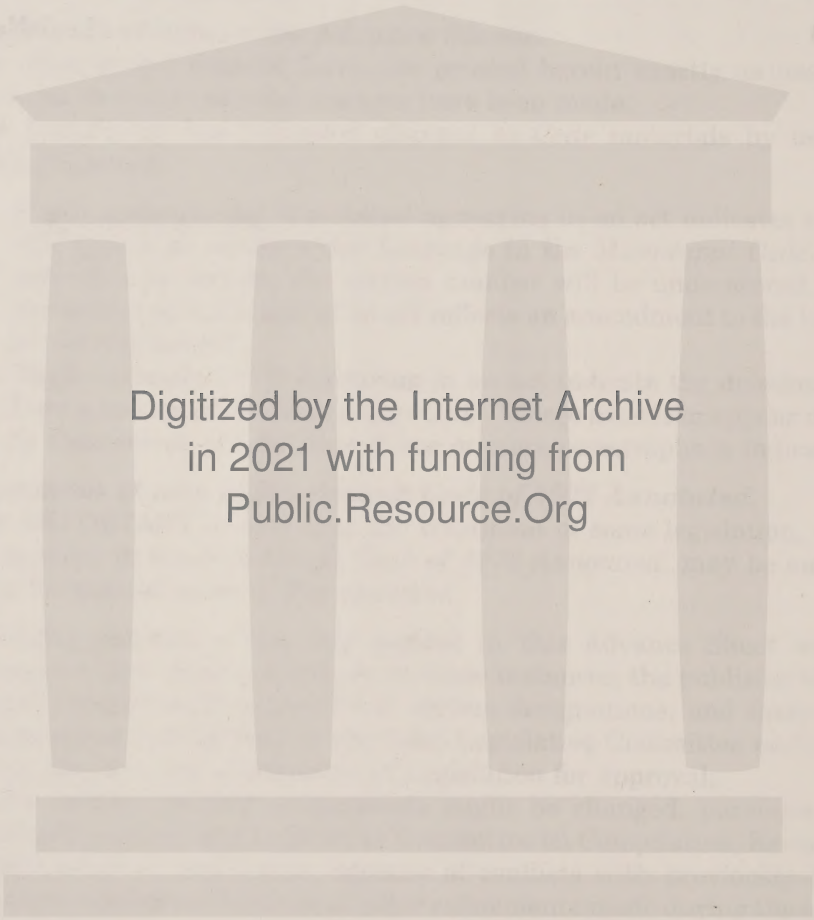

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Summary of Acts

HB/SB — Page

HB0082 Community or junior colleges; authorize to administer construction contracts of $1,000,000.00 or less, and exempt certain oversight.
HB0095 Nursing home administrators; delete repealer on licensure requirements for and authorize board to conduct background checks.
HB0104 Board of Supervisors of Hancock County; revise salary of attorney hired to prosecute cases for county.
HB0109 State budget; enact and revise various provisions relating to.
HB0119 Harper's Grace Law; extend repealer on authority to research and dispense cannabidiol (CBD oil) for medical purposes.
HB0196 "Dignity for Incarcerated Women Act"; create.

HB0356 Child abuse; expand immunity for good faith reports.
HB0359 Municipalities with a certain population; allow to establish overdue water/sewer programs.
HB0374 Distinctive motor vehicle license tag; authorize for supporters of various organizations.
HB0382 Chronic wasting disease; revise requirements for testing of white-tailed deer harvested within enclosures.
HB0424 Memorial highways; designate.

HB0520 Use tax; revise certain provisions regarding funds distributed to municipalities/counties for road improvements.
HB0572 Alcoholic beverages; revise definition of "qualified resort area" under the Local Option Alcoholic Beverage Control Law.
HB0594 Coastal Wetlands Protection Act; revise definitions to include "ordinary high water mark".
HB0631 Law enforcement; allow off-duty use of official vehicles while performing security services in off-duty hours.
HB0747 Work release program; authorize pilot program to authorize sheriff to assign offenders to while confined in jail.
HB0754 Dyslexia education; revise provisions for determining student eligibility for IEP or 504 Plan.
HB0761 State Veterans Affairs Board; revise powers and duties relating to the operation of the State Veterans Homes.

HB0928 Commissioner of Corrections and community corrections; bring forward various sections relating to.
HB1091 Light wine, light spirit product and beer; authorize microbreweries and revise various sections of law.

HB1095 Department of Revenue; authorize to compromise and settle certain tax liabilities.

HB/SB Page

HB1135 Alcoholic beverages; create delivery service permit

HB1139 Income, sales and use taxes; remove requirement that certain taxpayers pay June tax liability on or before June 25.

HB1179 William F. Winter and Jack Reed, Sr., Teacher Loan Repayment Program; create.

HB1197 Dual-phase design-build method of construction contracting; revise certain provisions of.

HB1245 MDOT; require maintenance of rights-of-way of state highways inside municipal limits with 10,000 or less population.

HB1296 Historic property income tax credit; revise certain provisions regarding.

HB1312 State Board of Cosmetology; extend repealer on.

HB1446 Income tax; allow deduction for Back to Business Mississippi Grant Program eligible expenses.

SB2024 Depositories; revise bid process for selection by counties and municipalities.

SB2062 Rural Fire Truck Acquisition Assistance Program; authorize an additional round for counties and municipalities.

SB2121 Intimate visual material; criminalize disclosure of.

SB2261 Perpetual care cemetaries; authorize counties and cities to clean property of those not properly maintained and seek reimbursement.

SB2267 Teacher license; allow reciprocity if teacher possesses standard license from other state and passes background check.

SB2313 Mississippi Intercollegiate Athletics Compensation Rights Act; allow athletes to be compensated for name, image and likeness.

SB2434 Department of Public Safety; authorize contract with counties for custody of certain offenders.

SB2435 Alcoholic beverages; revise various provisions relating to distilleries.

SB2474 Health department; authorize certain charges for services with other agencies for operation of medical marijuana program.

SB2569 Urine; create the crime of selling or tampering with urine.

SB2598 Department of Public Safety; revise licensing.

SB2621 Task Force; establish to study domestic law matters.

SB2623 Motor vehicle insurance; extend repealer on Public Safety Verification and Enforcement Act.

SB2638 Electronic documents; provide recording procedure for counties without electronic-recording capability.

SB2649 Public contracts for energy efficiency; extend repeal date on use of.

SB2795 "Mississippi Earned Parole Eligibility Act"; enact.

SB2798 Public utilities; authorize rate-regulated electric utilities to permit broadband provider use of the electric delivery system.

SB2799 Mississippi Medicaid Program; make technical amendments to reimbursements and administration.

SB2807 Alcoholic beverages; restore provision restricting areas in which manufacture, sale and distribution are authorized.

SB2816 Public officials and employees; allow Department of Revenue appraisers to receive same pay increases as county tax assessors.

SB2825 Transportation; revise provisions relating to motor carrier enforcement, harvest permits, and funding.

SB2832 Upholstered household furniture manufacturing job tax credit; extend repealer from 2022 to 2026.

SB2834 Mississippi Historic Site Preservation Fund; create and provide for administration by Department of Archives and History.

SB2839 SMART Business Act; create SMART Business Accelerate Initiative and distinguish from SMART Business Rebate.

SB2850 Certificate of title; allow application without usual documents for vehicles at least 30 years old on oath of ownership.

SB2872 Alcoholic beverages; remove election requirement for designation of area in Rankin County as a qualified resort area.

SB2874 Residential and commercial contractors; require sales tax permit from Department of Revenue for pulling building permit.

SB2895 Ad valorem taxation; allow county to exempt up to 50% of assessed value of renewable energy project property from.

ALCOHOLIC BEVERAGES
Charter vessel operator's permit created. **HB 1288**
Mississippi native spirit law enacted regarding beverages produced in state for sale from ingredients grown or produced in state. **SB 2606**
ALL FUELS ACT OF 2021
Prohibition of connection or reconnection of utility service based on type or source of energy prohibited. **HB 632**
ALZHEIMER'S DISEASE OR RELATED DEMENTIA
Jimmy Kaigler Alzheimer's Support Act, enacted, creating dementia care program within department of human services. **SB 2221**
ATHLETICS
Intercollegiate athletics compensation rights act enacted to provide for student-athlete compensation for use of their name, image and likeness. **SB 2313**
BICYCLES
Electric bicycles regulated. **HB 1195**
CHRISTIAN'S LAW
Autopsy media records considered confidential. **HB 70**
COLLEGES AND UNIVERSITIES
Designation of athletic teams according to biological sex. **SB 2536**
Intercollegiate athletics compensation rights act enacted to provide for student-athlete compensation for use of their name, image and likeness. **SB 2313**
COVID-19
Coronavirus local fiscal recovery fund created. **HB 109**
Paycheck protection program relief, income tax deduction for payments for deductible expenses made from relief received. **HB 1446**
DRIVERS' LICENSES
Concealed weapons license notation on driver's license or identification card in lieu of issuance of separate license. **SB 2253**
DRONES
Unmanned aircraft systems protection act of 2021, enactment to protect critical infrastructure or correctional facilities. **HB 974**
DRUGS AND CONTROLLED SUBSTANCES
Pseudoephedrine or ephedrine products, quantity authorized for sale without prescription. **SB 2119**
EMPOWERING REENTRY THROUGH LICENSING ACT

Issuance of provisional driver's license upon release from incarceration. **HB 551**

FIREARMS AND OTHER WEAPONS

Concealed weapons license issuance to active duty law enforcement officers and exemption for officers from license fees. **HB 886**

Concealed weapons license notation on driver's license or identification card in lieu of issuance of separate license. **SB 2253**

Convicted felons, application for certificate of rehabilitation to allow for relief from firearms disability. **HB 928**

Law enforcement officer permitted to retain sidearm as personal property upon retirement. **HB 508**

FLAGS

New state flag design selected and approved. **HB 1**

GAS STATIONS

Retailer liability for damages caused by use of incompatible motor fuel dispensed at retail site. **SB 2373**

HARPER GRACE'S LAW

CBD solution (cannabidiol), legal possession and use, repeal date of provision extended. **HB 119**

HOME INSPECTORS

Criminal background check added as requirement of licensure. **HB 352**

HUDSON'S LAW

Prenatal testing for chromosomal disorder, information to be provided to expectant or new parent. **SB 2746**

IDENTIFICATION CARDS

Concealed weapons license notation on driver's license or identification card in lieu of issuance of separate license. **SB 2253**

Tribal identification cards as legal form of personal identification. **HB 277**

LAW ENFORCEMENT OFFICERS AND AGENCIES

use of official vehicle while performing private security services during off-duty hours. **HB 631**

LIBRARIES

School library provisions repealed. **HB 487**

MANUFACTURED AND MOBILE HOMES

Disposition of abandoned homes. **HB 955**

MOTOR VEHICLES

Dealers and manufacturers, obligations regarding rates for parts and labor on motor vehicle warranty work. **HB 746**
Electric bicycles regulated. **HB 1195**
Law enforcement officers, use of official vehicle while performing private security services during off-duty hours. **HB 631**

MUNICIPALITIES

Golf carts and low-speed vehicles, operation on public roads and streets may be authorized by ordinance. **SB 2605**

NATIVE AMERICANS

Tribal identification cards as legal form of personal identification. **HB 277**

PHARMACISTS AND PHARMACIES

Pseudoephedrine or ephedrine products, quantity authorized for sale without prescription. **SB 2119**

PRISONS AND PRISONERS

Dignity of incarcerated women act enacted, regarding pregnancy and childbirth, access to feminine hygiene products, and placement of incarcerated parents of minor children. **HB 196**
Earned parole eligibility act, amendment as to inclusion of certain offenses. **SB 2795**

PUBLIC UTILITIES

Prohibition of connection or reconnection of service based on type or source of energy prohibited. **HB 632**

REVENGE PORN

Disclosure of intimate visual material without consent. **SB 2121**

SCHOOLS AND EDUCATION

Computer science and cyber education equality act enacted to implement computer science curriculum in public schools. **HB 633**
Designation of athletic teams according to biological sex. **SB 2536**
Dyslexia and related disorders, school procedures for education and care of students and training for educators. **HB 754**

SUNSHINE PROTECTION ACT

Daylight saving time, adoption as year-round standard to conform with federal laws, if amended to observe year-round. **HB 1062**

TAXATION

Commissioner of revenue authority to enter into settlement agreement with taxpayer regarding tax liability determined to be a doubtful claim. **HB 1095**

TELEMEDICINE

Revision of requirements for remote patient monitoring services. **HB 200**

UNIVERSAL RECOGNITION OF OCCUPATIONAL LICENSES ACT

Enacted to allow applicant holding license in good standing from another state to be licensed at same practice level after meeting certain requirements. **HB 1263**

UNMANNED AIRCRAFT SYSTEMS PROTECTION ACT OF 2021

Enactment to protect critical infrastructure or correctional facilities. **HB 974**

URINALYSIS

Adulteration of human urine sample for chemical test. **SB 2569**

VETERANS

Veterans affairs board authorization to move Persian Gulf War Memorial to another location. **HB 189**

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
1-3-27	Brought forward		hb0429	2	1
1-3-41	Brought forward		hb0429	3	1
1-3-42	Added		hb0277	1	1
1-5-7	Amended		hb1177	1	1
3-3-16	Added		hb0001	1	1
3-7-1	Amended		hb1326	1	2
17-17-227	Amended		hb0949	1	1
17-17-229	Amended		hb0949	2	1
17-17-237	Added		hb0949	3	1
17-17-403	Amended		hb1195	2	1
17-23-1	Amended		sb2062	1	3
17-25-11	Amended		hb0631	1	3
19-3-49	Amended		hb0104	1	3
19-3-85	Amended		hb0955	13	1
19-5-105	Amended		sb2261	1	3
19-5-303	Reenacted		hb0074	1	1
19-5-313	Reenacted		hb0074	2	1
19-5-319	Reenacted		hb0074	3	1
19-5-331	Reenacted		hb0074	4	1
19-5-333	Reenacted		hb0074	5	1
19-5-335	Reenacted		hb0074	6	1
19-5-337	Reenacted		hb0074	7	1
19-5-339	Reenacted		hb0074	8	1
19-5-341	Reenacted		hb0074	9	1
19-5-353	Reenacted		hb0074	10	1
19-5-357	Reenacted		hb0074	11	1
19-5-359	Reenacted		hb0074	12	1
19-5-361	Reenacted		hb0074	13	1
19-5-371	Amended		hb0074	14	1
19-7-31	Amended		sb2630	1	2
19-11-27	Amended		sb2825	20	3
21-19-11	Amended		sb2261	2	3
21-19-49	Amended		hb0631	2	3
21-23-7	Amended		hb0354	1	1
21-37-3	Amended		hb1195	3	1
23-15-213	Amended		hb1048	2	2
23-15-299	Amended		hb1048	1	2
23-15-309	Brought Forward		hb1048	3	2
23-15-977	Amended		hb1048	4	2
23-17-42	Added		hb1177	2	1
25-1-87	Amended		hb0974	20	2
25-9-107	Amended		hb0069	1	1
25-9-127	Amended		hb1213	1	1
25-15-103	Amended		sb2189	1	1
25-15-409	Amended		sb2336	1	2
25-41-3	Brought forward		hb1323	2	2
25-41-7	Amended		hb1323	1	2

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
25-61-5	Amended		sb2809	1	1
25-61-9	Brought forward		sb2827	2	2
27-3-51	Amended		hb0516	1	1
27-3-51	Amended		sb2816	1	3
27-3-73	Amended		hb1095	4	3
27-4-3	Amended		sb2606	15	2
27-7-17	Amended		hb1356	1	2
27-7-22.31	Amended		hb1296	1	3
27-7-22.36	Amended		sb2832	1	3
27-7-83	Amended		hb1095	5	3
27-7-309	Amended		hb1139	1	3
27-13-57	Amended		hb1095	6	3
27-19-3	Amended		hb1195	4	1
27-19-3	Amended		sb2605	4	2
27-19-11	Amended		hb0628	1	2
27-19-31	Amended		hb0519	1	1
27-19-53	Amended		hb0374	17	3
27-19-56.5	Amended		hb0374	16	3
27-19-89	Amended		sb2825	19	3
27-19-99	Amended		hb1284	1	1
27-19-155	Amended		hb1284	2	1
27-19-179	Amended		hb1284	3	1
27-31-1	Amended		hb1420	1	2
27-35-50	Amended		hb1137	1	1
27-35-143	Amended		hb0425	1	2
27-43-3	Amended		sb2643	1	2
27-45-5	Brought forward		sb2643	2	2
27-51-5	Amended		hb1195	5	1
27-51-5	Amended		sb2605	5	2
27-51-41	Amended		hb0374	18	3
27-65-27	Amended		sb2874	3	3
27-65-33	Amended		hb1139	2	3
27-65-75	Amended		hb1139	4	3
27-65-81	Amended		hb1095	7	3
27-67-17	Amended		hb1139	3	3
27-67-35	Amended		hb0520	1	3
27-71-5	Amended		hb1288	2	1
27-71-5	Amended		sb2435	4	3
27-71-5	Amended		hb1135	7	3
27-71-5	Amended		sb2606	16	2
27-71-7	Amended		sb2606	17	2
27-71-21	Amended		sb2606	18	2
27-71-301	Amended		hb1091	1	3
27-71-303	Amended		hb1091	2	3
27-71-307	Amended		hb1091	3	3
27-71-509	Amended		hb1091	4	3
27-77-1	Amended		sb2606	19	2
27-77-17	Amended		sb2606	20	2
27-103-125	Amended		hb0109	1	3
27-103-139	Amended		hb0109	2	3
27-103-203	Amended		hb0109	3	3

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
27-103-211	Amended		hb0109	4	3
27-103-213	Amended		hb0109	5	3
27-103-303	Amended		hb0109	6	3
27-104-7	Amended		sb2021	3	1
27-104-7	Amended		hb0974	7	2
27-104-203	Amended		sb2474	1	3
27-104-205	Amended		hb1284	4	1
27-104-205	Amended		hb0106	7	2
27-105-305	Amended		sb2024	1	3
27-115-73	Amended		hb0277	3	1
27-19-56.415	Amended		hb0374	20	3
27-19-56.490	Amended		hb0374	19	3
27-19-56.524	Amended		hb0374	15	3
29-5-69	Amended		hb0974	21	2
29-5-77	Repealed		hb0974	23	2
29-9-9	Amended		hb0761	2	3
31-7-13	Amended		sb2024	2	3
31-7-13	Amended		hb1197	4	3
31-7-13.1	Amended		hb1197	1	3
31-7-13.2	Amended		sb2827	1	2
31-7-14	Amended		sb2649	1	3
31-7-124	Amended		hb0357	1	1
31-11-3	Amended		hb0082	1	3
31-11-3	Amended		hb1197	2	3
31-19-27	Amended		hb0359	2	3
31-19-27	Amended		hb1095	2	3
31-19-29	Amended		hb0359	3	3
31-19-29	Amended		hb1095	3	3
35-1-7	Amended		hb0761	1	3
35-1-43	Amended		hb0189	1	1
35-3-21	Amended		sb2165	1	1
37-3-2	Amended		sb2267	1	3
37-3-2	Amended		hb1263	2	2
37-5-9	Brought Forward		hb1048	5	2
37-13-171	Amended		hb0633	8	2
37-17-3	Amended		hb0504	1	2
37-19-7	Amended		hb0852	1	2
37-19-7	Amended		hb1047	1	2
37-21-7	Amended		hb0852	2	2
37-21-51	Amended		hb1123	1	2
37-55-5	Repealed		hb0487	1	1
37-106-35	Repealed		hb1179	2	3
37-106-36	Added		hb1179	1	3
37-106-37	Repealed		hb1179	3	3
37-106-57	Repealed		hb1179	4	3
37-106-77	Repealed		hb1179	5	3
37-106-79	Repealed		hb1179	6	3
37-148-3	Amended		sb2839	1	3
37-148-5	Amended		sb2839	2	3
37-148-9	Amended		sb2839	3	3
37-148-11	Added		sb2839	4	3
37-151-103	Amended		sb2149	1	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
37-159-1	Amended		hb0135	1	1
37-159-5	Reenacted		hb0135	2	1
37-159-7	Amended		hb0135	3	1
37-159-9	Reenacted		hb0135	4	1
37-159-11	Reenacted		hb0135	5	1
37-159-13	Reenacted		hb0135	6	1
37-159-17	Reenacted		hb0135	7	1
37-159-19	Amended		hb0135	8	1
37-173-9	Amended		hb0754	2	3
37-173-16	Added		hb0754	1	3
39-3-21	Amended		hb0488	1	2
39-3-369	Brought forward		hb0488	2	2
39-5-5	Amended		sb2834	2	3
41-3-1.1	Reenacted		hb0160	1	2
41-3-3	Reenacted		hb0160	2	2
41-3-4	Reenacted		hb0160	3	2
41-3-5.1	Reenacted		hb0160	4	2
41-3-6	Reenacted		hb0160	5	2
41-3-15	Reenacted		hb0160	6	2
41-3-16	Reenacted		hb0160	7	2
41-3-17	Reenacted		hb0160	8	2
41-3-18	Reenacted		hb0160	9	2
41-3-19	Reenacted		hb0160	10	2
41-3-20	Amended		hb0160	11	2
41-7-191	Amended		hb0160	12	2
41-20-3	Amended		sb2021	1	1
41-20-7	Amended		sb2021	2	1
41-29-112	Amended		hb0974	6	2
41-29-113	Amended		hb1034	1	1
41-29-115	Amended		hb1034	2	1
41-29-117	Amended		sb2119	2	1
41-29-119	Amended		hb1034	3	1
41-29-136	Amended		hb0119	1	3
41-29-137	Amended		hb0294	2	2
41-29-137.1	Amended		hb0294	1	2
41-37-25	Amended		hb0286	2	1
41-39-117	Amended		hb0286	3	1
41-43-57	Amended		sb2261	3	3
41-61-53	Amended		hb0974	8	2
41-61-55	Amended		hb0974	9	2
41-61-65	Amended		hb0974	10	2
41-61-66	Added		hb0070	1	2
41-61-75	Amended		sb2419	1	2
41-61-75	Amended		hb0974	11	2
41-61-77	Amended		hb0974	12	2
41-75-5	Amended		sb2799	3	3
41-85-7	Amended		hb0294	3	2
43-1-23	Amended		hb0087	1	2
43-13-117	Amended		sb2799	1	3
43-13-145	Amended		sb2799	2	3
43-15-51	Amended		hb0356	2	3
43-17-5	Amended		sb2759	1	2

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43-21-355	Amended		hb0356	1	3
43-21-605	Amended		sb2282	1	1
43-33-729	Amended		hb0500	1	2
45-1-2	Amended		hb0974	1	2
45-1-3	Amended		hb0974	3	2
45-1-6	Amended		hb0974	5	2
45-3-9	Amended		hb0974	13	2
45-3-21	Amended		sb2825	18	3
45-3-45	Amended		hb0974	14	2
45-6-3	Amended		hb0974	4	2
45-9-101	Amended		hb0886	1	1
45-9-101	Amended		sb2253	1	1
45-9-101	Amended		sb2598	1	3
45-9-101	Amended		hb0277	4	1
45-33-43	Amended		hb0550	1	2
45-33-43	Amended		sb2598	7	3
45-35-13	Amended		hb0277	16	1
45-49-3	Amended		hb0511	1	2
47-5-8	Amended		hb0928	2	3
47-5-26	Amended		hb0928	1	3
47-5-157	Amended		hb0551	7	2
47-7-3	Amended		sb2795	2	3
47-7-3.1	Amended		sb2795	3	3
47-7-3.2	Amended		sb2795	4	3
47-7-5	Amended		hb0928	3	3
47-7-5	Amended		sb2795	5	3
47-7-15	Amended		sb2795	6	3
47-7-17	Amended		sb2795	7	3
47-7-18	Amended		sb2795	8	3
47-7-33.1	Amended		hb0551	8	2
49-1-29	Amended		hb0382	2	3
49-7-3	Amended		hb0277	5	1
49-7-58.1	Amended		hb0382	3	3
49-7-58.2	Amended		hb0382	4	3
49-7-58.5	Repealed		hb0382	5	3
49-15-63	Amended		hb1211	10	2
49-15-323	Amended		hb1211	9	2
49-15-401	Amended		hb1211	1	2
49-15-403	Amended		hb1211	2	2
49-15-405	Amended		hb1211	3	2
49-15-407	Amended		hb1211	4	2
49-15-409	Amended		hb1211	5	2
49-15-411	Amended		hb1211	6	2
49-15-413	Amended		hb1211	7	2
49-15-415	Amended		hb1211	8	2
49-27-5	Amended		hb0594	1	3
53-11-3	Amended		sb2648	1	2
53-11-5	Amended		sb2648	2	2
53-11-7	Amended		sb2648	3	2
53-11-23	Amended		sb2648	4	2
57-1-16	Amended		hb1230	1	1
57-1-221	Amended		hb1230	2	1
57-1-451	Repealed		hb0109	13	3

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57-62-5	Amended		sb2521	1	1
57-93-1	Amended		hb1230	3	1
57-105-1	Amended		hb0499	1	1
57-121-7	Amended		hb1446	1	3
59-11-3	Amended		sb2392	1	2
61-3-15	Amended		hb1197	3	3
63-1-5	Amended		hb0550	2	2
63-1-5	Amended		sb2598	8	3
63-1-6	Amended		sb2598	9	3
63-1-7	Amended		sb2785	1	2
63-1-9	Amended		sb2598	2	3
63-1-9	Amended		hb0550	3	2
63-1-10.1	Amended		hb0550	4	2
63-1-10.1	Amended		sb2598	10	3
63-1-21	Amended		sb2598	3	3
63-1-21	Amended		hb0550	5	2
63-1-23	Amended		hb0550	6	2
63-1-23	Amended		sb2598	11	3
63-1-33	Amended		sb2598	12	3
63-1-35	Amended		sb2294	1	2
63-1-35	Amended		hb0550	7	2
63-1-35	Amended		sb2598	13	3
63-1-37	Amended		sb2598	14	3
63-1-43	Amended		hb0550	8	2
63-1-43	Amended		sb2598	15	3
63-1-47	Amended		hb0550	9	2
63-1-47	Amended		sb2598	16	3
63-3-103	Amended		hb1195	6	1
63-3-519	Amended		sb2788	1	2
63-3-1315	Added		hb1195	1	1
63-5-33	Amended		sb2825	21	3
63-11-25	Amended		sb2598	4	3
63-15-3	Amended		hb1195	7	1
63-16-1	Reenacted		sb2623	1	3
63-16-3	Reenacted		sb2623	2	3
63-16-5	Reenacted		sb2623	3	3
63-16-5	Reenacted		sb2623	3	3
63-16-7	Reenacted		sb2623	4	3
63-16-11	Reenacted		sb2623	5	3
63-16-13	Reenacted		sb2623	6	3
63-16-15	Amended		sb2623	7	3
63-17-55	Amended		hb0746	1	1
63-17-55	Amended		hb1195	8	1
63-17-85	Amended		hb0746	2	1
63-17-86	Added		hb0746	3	1
63-17-155	Amended		sb2605	6	2
63-17-155	Amended		hb1195	9	1
63-19-3	Amended		hb1195	10	1
63-21-5	Amended		hb1195	11	1
63-21-15	Amended		sb2850	1	3
63-21-17	Amended		hb0510	1	1
63-21-39	Amended		hb0277	6	1
63-31-3	Amended		hb1195	12	1

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65-1-46	Amended		sb2825	22	3
65-1-75	Amended		hb1245	1	3
65-37-1	Amended		hb0576	1	2
65-37-3	Amended		hb0576	2	2
65-37-7	Amended		hb0576	3	2
65-37-11	Amended		hb0576	4	2
65-37-15	Amended		hb0576	5	2
67-1-5	Amended		hb0572	1	3
67-1-5	Amended		sb2606	7	2
67-1-5	Amended		hb1091	14	3
67-1-7	Amended		sb2807	1	3
67-1-7	Amended		sb2606	8	2
67-1-13	Amended		sb2606	9	2
67-1-16	Amended		sb2872	1	3
67-1-31	Amended		hb0512	1	2
67-1-32	Added		hb0508	1	1
67-1-37	Amended		hb1135	3	3
67-1-37	Amended		sb2606	10	2
67-1-41	Amended		sb2435	2	3
67-1-41	Amended		sb2606	11	2
67-1-45	Amended		sb2606	12	2
67-1-51	Amended		hb1288	1	1
67-1-51	Amended		sb2435	1	3
67-1-51	Amended		hb0572	2	3
67-1-51	Amended		hb1135	2	3
67-1-51	Amended		hb1091	10	3
67-1-51	Amended		sb2606	13	2
67-1-73	Amended		sb2606	14	2
67-1-83	Amended		hb0667	1	2
67-1-83	Amended		hb1135	4	3
67-3-3	Amended		hb1091	5	3
67-3-5	Amended		hb1135	5	3
67-3-7	Amended		hb0945	1	2
67-3-9	Amended		hb0945	2	2
67-3-9	Amended		hb1091	11	3
67-3-17	Amended		hb1091	12	3
67-3-25	Amended		hb1135	6	3
67-3-28	Amended		hb1091	13	3
67-3-45	Amended		hb1091	8	3
67-3-48	Amended		hb1091	6	3
67-3-49	Amended		hb1091	7	3
67-3-55	Amended		hb1091	9	3
67-3-69	Amended		hb0277	7	1
67-5-11	Amended		sb2435	3	3
67-11-1	Added		sb2606	1	2
67-11-3	Added		sb2606	2	2
67-11-5	Added		sb2606	3	2
67-11-7	Added		sb2606	4	2
67-11-9	Added		sb2606	5	2
67-11-11	Added		sb2606	6	2
69-5-1	Amended		sb2076	1	1
69-5-3	Reenacted		sb2076	2	1
69-5-7	Reenacted		sb2076	3	1

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69-5-8	Reenacted		sb2076	4	1
69-5-11	Reenacted		sb2076	5	1
69-5-13	Reenacted		sb2076	6	1
69-5-15	Reenacted		sb2076	7	1
69-5-27	Reenacted		sb2076	8	1
69-5-29	Reenacted		sb2076	9	1
69-5-31	Reenacted		sb2076	10	1
69-5-31	Repealed		sb2076	11	1
69-7-101	Amended		hb0312	1	1
69-7-103	Repealed		hb0312	6	1
69-7-105	Repealed		hb0312	7	1
69-7-107	Repealed		hb0312	8	1
69-7-109	Amended		hb0312	2	1
69-7-111	Repealed		hb0312	9	1
69-7-113	Amended		hb0312	3	1
69-7-115	Amended		hb0312	4	1
69-7-117	Repealed		hb0312	10	1
69-7-119	Repealed		hb0312	11	1
69-7-121	Amended		hb0312	5	1
71-5-11	Amended		sb2124	1	1
71-5-355	Amended		sb2124	5	1
71-5-363	Amended		sb2124	3	1
71-5-365	Amended		sb2124	2	1
71-5-389	Amended		sb2124	4	1
71-5-506	Amended		hb0509	1	1
73-1-21	Amended		hb1263	3	2
73-2-11	Amended		hb1263	4	2
73-4-23	Amended		hb1263	5	2
73-5-21	Amended		hb1263	6	2
73-5-41	Amended		hb1312	26	3
73-6-1	Reenacted		hb0073	1	1
73-6-3	Reenacted		hb0073	2	1
73-6-5	Reenacted		hb0073	3	1
73-6-7	Reenacted		hb0073	4	1
73-6-9	Reenacted		hb0073	5	1
73-6-11	Reenacted		hb0073	6	1
73-6-13	Reenacted		hb0073	7	1
73-6-13	Amended		hb1263	7	2
73-6-14	Reenacted		hb0073	8	1
73-6-15	Amended		hb0073	9	1
73-6-17	Reenacted		hb0073	10	1
73-6-18	Reenacted		hb0073	11	1
73-6-19	Reenacted		hb0073	12	1
73-6-23	Reenacted		hb0073	13	1
73-6-25	Reenacted		hb0073	14	1
73-6-27	Reenacted		hb0073	15	1
73-6-29	Reenacted		hb0073	16	1
73-6-31	Reenacted		hb0073	17	1
73-6-33	Amended		hb0073	18	1
73-7-1	Reenacted		hb1312	1	3
73-7-2	Amended		hb1312	2	3
73-7-3	Reenacted		hb1312	3	3
73-7-5	Reenacted		hb1312	4	3

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73-7-7	Reenacted		hb1312	5	3
73-7-9	Reenacted		hb1312	6	3
73-7-11	Reenacted		hb1312	7	3
73-7-12	Amended		hb1312	8	3
73-7-13	Reenacted		hb1312	9	3
73-7-14	Reenacted		hb1312	10	3
73-7-15	Reenacted		hb1312	11	3
73-7-16	Reenacted		hb1312	12	3
73-7-17	Reenacted		hb1312	13	3
73-7-18	Reenacted		hb1312	14	3
73-7-19	Reenacted		hb1312	15	3
73-7-21	Reenacted		hb1312	16	3
73-7-23	Amended		hb1263	8	2
73-7-23	Reenacted		hb1312	17	3
73-7-25	Reenacted		hb1312	18	3
73-7-27	Reenacted		hb1312	19	3
73-7-29	Reenacted		hb1312	20	3
73-7-31	Amended		hb1312	21	3
73-7-33	Reenacted		hb1312	22	3
73-7-35	Reenacted		hb1312	23	3
73-7-37	Reenacted		hb1312	24	3
73-7-63	Amended		hb1312	25	3
73-9-24	Amended		hb1263	9	2
73-10-15	Amended		hb1263	10	2
73-11-33	Amended		sb2098	21	1
73-11-41	Reenacted		sb2098	1	1
73-11-43	Reenacted		sb2098	2	1
73-11-45	Reenacted		sb2098	3	1
73-11-47	Reenacted		sb2098	4	1
73-11-49	Reenacted		sb2098	5	1
73-11-51	Reenacted		sb2098	6	1
73-11-51	Amended		hb1263	11	2
73-11-53	Reenacted		sb2098	7	1
73-11-55	Reenacted		sb2098	8	1
73-11-56	Reenacted		sb2098	9	1
73-11-57	Reenacted		sb2098	10	1
73-11-57.1	Reenacted		sb2098	11	1
73-11-58	Reenacted		sb2098	12	1
73-11-59	Reenacted		sb2098	13	1
73-11-61	Reenacted		sb2098	14	1
73-11-63	Reenacted		sb2098	15	1
73-11-65	Reenacted		sb2098	16	1
73-11-67	Reenacted		sb2098	17	1
73-11-69	Amended		sb2098	18	1
73-11-71	Reenacted		sb2098	19	1
73-11-73	Reenacted		sb2098	20	1
73-13-35	Amended		hb1263	12	2
73-14-25	Amended		hb1263	13	2
73-15-19	Amended		hb1263	14	2
73-15-21	Amended		hb1263	15	2
73-17-11	Amended		hb0095	1	3
73-19-1	Amended		hb1302	1	1
73-19-25	Amended		hb1263	17	2

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73-19-27	Amended		hb1302	2	1
73-19-157	Amended		hb1302	3	1
73-21-73	Amended		sb2750	1	2
73-21-87	Amended		hb1263	18	2
73-23-51	Amended		hb1263	19	2
73-23-53	Amended		hb1263	20	2
73-24-21	Amended		hb1263	21	2
73-25-21	Amended		hb1263	22	2
73-25-38	Amended		hb0072	1	1
73-27-5	Amended		hb1263	23	2
73-29-19	Amended		hb1263	24	2
73-30-15	Amended		hb1263	25	2
73-31-1	Reenacted		hb0208	1	1
73-31-3	Reenacted		hb0208	2	1
73-31-5	Amended		hb0208	3	1
73-31-7	Reenacted		hb0208	4	1
73-31-9	Reenacted		hb0208	5	1
73-31-11	Reenacted		hb0208	6	1
73-31-13	Amended		hb0208	7	1
73-31-14	Reenacted		hb0208	8	1
73-31-14	Amended		hb1263	26	2
73-31-15	Reenacted		hb0208	9	1
73-31-15	Amended		hb1263	27	2
73-31-17	Reenacted		hb0208	10	1
73-31-19	Reenacted		hb0208	11	1
73-31-21	Reenacted		hb0208	12	1
73-31-23	Reenacted		hb0208	13	1
73-31-25	Reenacted		hb0208	14	1
73-31-27	Reenacted		hb0208	15	1
73-31-29	Reenacted		hb0208	16	1
73-31-31	Amended		hb0208	17	1
73-33-9	Amended		hb1263	28	2
73-34-51	Amended		hb1263	29	2
73-35-7	Amended		hb1263	30	2
73-35-13	Amended		hb1263	31	2
73-36-31	Amended		hb1263	32	2
73-38-23	Amended		hb1263	33	2
73-39-71	Amended		hb1263	34	2
73-42-3	Amended		sb2313	6	3
73-50-2	Added		hb1263	1	2
73-53-13	Amended		hb1263	35	2
73-54-23	Amended		sb2420	1	2
73-54-23	Amended		hb1263	36	2
73-60-11	Amended		hb0352	2	1
73-60-25	Amended		hb1263	37	2
73-60-31	Amended		hb0352	3	1
73-60-47	Added		hb0352	1	1
73-63-39	Amended		hb1263	38	2
73-65-7	Amended		hb1263	39	2
73-67-15	Amended		sb2751	1	2
73-67-17	Amended		sb2751	2	2
73-67-19	Amended		sb2751	3	2
73-67-21	Amended		sb2751	4	2

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73-67-25	Amended		hb1263	40	2
73-67-35	Amended		sb2751	5	2
73-67-39	Amended		sb2751	6	2
73-69-11	Amended		hb1263	41	2
73-71-21	Amended		hb1263	42	2
73-73-11	Amended		hb1263	43	2
73-75-15	Amended		hb1263	44	2
75-9-503	Amended		hb0277	8	1
75-24-15	Amended		sb2293	1	1
75-24-29	Amended		hb0277	9	1
75-24-351	Reenacted		sb2324	1	1
75-24-353	Reenacted		sb2324	2	1
75-24-355	Reenacted		sb2324	3	1
75-24-357	Reenacted		sb2324	4	1
75-24-359	Amended		sb2324	5	1
75-67-305	Amended		hb0277	10	1
75-67-403	Reenacted		hb1075	20	2
75-67-505	Reenacted		hb1075	21	2
75-67-601	Reenacted		hb1075	1	2
75-67-603	Reenacted		hb1075	2	2
75-67-605	Reenacted		hb1075	3	2
75-67-607	Reenacted		hb1075	4	2
75-67-609	Reenacted		hb1075	5	2
75-67-611	Reenacted		hb1075	6	2
75-67-613	Reenacted		hb1075	7	2
75-67-615	Reenacted		hb1075	8	2
75-67-617	Reenacted		hb1075	9	2
75-67-619	Reenacted		hb1075	10	2
75-67-621	Reenacted		hb1075	11	2
75-67-623	Reenacted		hb1075	12	2
75-67-625	Reenacted		hb1075	13	2
75-67-627	Reenacted		hb1075	14	2
75-67-629	Reenacted		hb1075	15	2
75-67-631	Reenacted		hb1075	16	2
75-67-633	Reenacted		hb1075	17	2
75-67-635	Reenacted		hb1075	18	2
75-67-637	Reenacted		hb1075	19	2
75-67-639	Amended		hb1075	22	2
75-95-5	Amended		hb0277	11	1
77-3-2	Amended		sb2798	1	3
77-3-3	Amended		sb2798	2	3
77-3-44	Amended		sb2798	3	3
77-3-721	Amended		hb0100	1	1
77-7-7	Amended		sb2825	3	3
77-7-11	Amended		sb2825	4	3
77-7-13	Amended		sb2825	5	3
77-7-15	Amended		sb2825	6	3
77-7-16	Amended		sb2825	7	3
77-7-17	Amended		sb2825	8	3
77-7-21	Amended		sb2825	9	3
77-7-127	Amended		sb2825	10	3
77-7-311	Amended		sb2825	11	3
77-7-331	Amended		sb2825	12	3

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77-7-333	Amended		sb2825	13	3
77-7-335	Amended		sb2825	14	3
77-7-337	Amended		sb2825	15	3
77-7-339	Amended		sb2825	16	3
77-7-341	Amended		sb2825	17	3
79-4-7.01	Amended		sb2626	1	2
79-4-7.02	Amended		sb2626	2	2
79-4-7.05	Amended		sb2626	3	2
79-29-215	Amended		sb2204	5	1
79-35-5	Amended		sb2204	1	1
79-35-6	Amended		sb2204	2	1
79-35-9	Amended		sb2204	3	1
79-35-10	Amended		sb2204	4	1
83-1-191	Amended		sb2332	1	1
83-9-353	Amended		hb0200	1	1
83-11-551	Amended		sb2603	1	2
89-3-1	Amended		sb2638	1	3
93-1-5	Amended		hb0277	12	1
93-19-13	Amended		hb0429	1	1
93-19-17	Added		sb2313	5	3
93-21-107	Amended		hb0695	1	1
93-29-13	Amended		hb0277	13	1
97-7-77	Added		hb0277	2	1
97-17-71	Amended		hb0277	14	1
97-19-85	Amended		sb2294	2	2
97-37-5	Amended		hb0928	4	3
97-45-1	Amended		hb0277	15	1
99-15-107	Amended		sb2552	1	2

Mississippi Legislature
2021 Regular Session

House Bill 82

Description: Community or junior colleges; authorize to administer construction contracts of $1,000,000.00 or less, and exempt certain oversight.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/07	(H) Referred To Universities and Colleges
2	01/27	(H) Title Suff Do Pass
3	02/04	(H) Passed {Vote}
4	02/05	(H) Transmitted To Senate
5	02/16	(S) Referred To Finance
6	03/02	(S) Title Suff Do Pass As Amended
7	03/09	(S) Amended
8	03/09	(S) Passed As Amended {Vote}
9	03/10	(S) Returned For Concurrence
10	03/12	(H) Decline to Concur/Invite Conf
11	03/22	(H) Conferees Named Huddleston,Scoggin,Bounds
12	03/24	(S) Conferees Named Harkins,Barnett,Kirby
13	03/27	(S) Conference Report Filed
14	03/27	(H) Conference Report Filed
15	03/28	(H) Conference Report Adopted {Vote}
16	03/28	(S) Conference Report Adopted {Vote}
17	03/30	(H) Enrolled Bill Signed
18	03/30	(S) Enrolled Bill Signed
19	04/09	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 82

Conference Reports:
Conference Report

Code Section: A 031-0011-0003

----- Additional Information -----

House Committee: Universities and Colleges
Senate Committee: Finance

Principal Author: Scoggin
Additional Authors: Stamps

Title: AN ACT TO AMEND SECTION 31-11-3, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO TRANSFER UP TO ONE MILLION DOLLARS OF AVAILABLE BOND FUNDS TO COMMUNITY COLLEGES REQUESTING TO BE EXEMPT FROM DEPARTMENT OVERSIGHTS OF CERTAIN REPAIR, RENOVATIONS AND IMPROVEMENTS TO EXISTING FACILITIES OWNED BY COMMUNITY COLLEGES; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 82

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Scoggin, Stamps

To: Universities and Colleges

HOUSE BILL NO. 82
(As Sent to Governor)

AN ACT TO AMEND SECTION 31-11-3, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO TRANSFER UP TO ONE MILLION DOLLARS OF AVAILABLE BOND FUNDS TO COMMUNITY COLLEGES REQUESTING TO BE EXEMPT FROM DEPARTMENT OVERSIGHTS OF CERTAIN REPAIR, RENOVATIONS AND IMPROVEMENTS TO EXISTING FACILITIES OWNED BY COMMUNITY COLLEGES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 31-11-3, Mississippi Code of 1972, is amended as follows:

31-11-3. (1) The Department of Finance and Administration, for the purposes of carrying out the provisions of this chapter, in addition to all other rights and powers granted by law, shall have full power and authority to employ and compensate architects or other employees necessary for the purpose of making inspections, preparing plans and specifications, supervising the erection of any buildings, and making any repairs or additions as may be determined by the Department of Finance and Administration to be necessary, pursuant to the rules and regulations of the State Personnel Board. The department shall have entire control and supervision of, and determine what, if any, buildings,

additions, repairs, demolitions or improvements are to be made under the provisions of this chapter, subject to the regulations adopted by the Public Procurement Review Board.

(2) The department shall have full power to erect buildings, make repairs, additions or improvements, demolitions, to grant or acquire easements or rights-of-way, and to buy materials, supplies and equipment for any of the institutions or departments of the state subject to the regulations adopted by the Public Procurement Review Board. In addition to other powers conferred, the department shall have full power and authority, as directed by the Legislature, or when funds have been appropriated for its use for these purposes, to:

(a) Build a state office building;

(b) Build suitable plants or buildings for the use and housing of any state schools or institutions, including the building of plants or buildings for new state schools or institutions, as provided for by the Legislature;

(c) Provide state aid for the construction of school buildings;

(d) Promote and develop the training of returned veterans of the United States in all sorts of educational and vocational learning to be supplied by the proper educational institution of the State of Mississippi, and in so doing allocate monies appropriated to it for these purposes to the Governor for use by him in setting up, maintaining and operating an office and

employing a state director of on-the-job training for veterans and the personnel necessary in carrying out Public Law No. 346 of the United States;

(e) Build and equip a hospital and administration building at the Mississippi State Penitentiary;

(f) Build and equip additional buildings and wards at the Boswell Retardation Center;

(g) Construct a sewage disposal and treatment plant at the Mississippi State Hospital, and in so doing acquire additional land as may be necessary, and to exercise the right of eminent domain in the acquisition of this land;

(h) Build and equip the Mississippi central market and purchase or acquire by eminent domain, if necessary, any lands needed for this purpose;

(i) Build and equip suitable facilities for a training and employing center for the blind;

(j) Build and equip a gymnasium at Columbia Training School;

(k) Approve or disapprove the expenditure of any money appropriated by the Legislature when authorized by the bill making the appropriation;

(l) Expend monies appropriated to it in paying the state's part of the cost of any street paving;

(m) Sell and convey state lands when authorized by the Legislature, cause said lands to be properly surveyed and platted,

execute all deeds or other legal instruments, and do any and all other things required to effectively carry out the purpose and intent of the Legislature. Any transaction which involves state lands under the provisions of this paragraph shall be done in a manner consistent with the provisions of Section 29-1-1;

(n) Collect and receive from educational institutions of the State of Mississippi monies required to be paid by these institutions to the state in carrying out any veterans' educational programs;

(o) Purchase lands for building sites, or as additions to building sites, for the erection of buildings and other facilities which the department is authorized to erect, and demolish and dispose of old buildings, when necessary for the proper construction of new buildings. Any transaction which involves state lands under the provisions of this paragraph shall be done in a manner consistent with the provisions of Section 29-1-1;

(p) Obtain business property insurance with a deductible of not less than One Hundred Thousand Dollars ($100,000.00) on state-owned buildings under the management and control of the department; and

(q) In consultation with and approval by the Chairmen of the Public Property Committees of the Senate and the House of Representatives, enter into contracts for the purpose of providing parking spaces for state employees who work in the Woolfolk

Building, the Carroll Gartin Justice Building or the Walter Sillers Office Building.

(r) The department is hereby authorized to transfer up to One Million Dollars ($1,000,000.00) of available bond funds to each community college requesting to be exempt from department control and supervision relating to the repair, renovation and improvement of existing facilities owned by the community colleges, including utility infrastructure projects; heating and air conditioning systems; and the replacement of furniture and equipment. The community colleges shall abide by all applicable statutes related to the purchase of the repair, renovation and improvement of such existing facilities.

(3) The department shall survey state-owned and state-utilized buildings to establish an estimate of the costs of architectural alterations, pursuant to the Americans With Disabilities Act of 1990, 42 USCS, Section 12111 et seq. The department shall establish priorities for making the identified architectural alterations and shall make known to the Legislative Budget Office and to the Legislature the required cost to effectuate such alterations. To meet the requirements of this section, the department shall use standards of accessibility that are at least as stringent as any applicable federal requirements and may consider:

(a) Federal minimum guidelines and requirements issued by the United States Architectural and Transportation Barriers Compliance Board and standards issued by other federal agencies;

(b) The criteria contained in the American Standard Specifications for Making Buildings Accessible and Usable by the Physically Handicapped and any amendments thereto as approved by the American Standards Association, Incorporated (ANSI Standards);

(c) Design manuals;

(d) Applicable federal guidelines;

(e) Current literature in the field;

(f) Applicable safety standards; and

(g) Any applicable environmental impact statements.

(4) The department shall observe the provisions of Section 31-5-23 in letting contracts and shall use Mississippi products, including paint, varnish and lacquer which contain as vehicles tung oil and either ester gum or modified resin (with rosin as the principal base of constituents), and turpentine shall be used as a solvent or thinner, where these products are available at a cost not to exceed the cost of products grown, produced, prepared, made or manufactured outside of the State of Mississippi.

(5) The department shall have authority to accept grants, loans or donations from the United States government or from any other sources for the purpose of matching funds in carrying out the provisions of this chapter.

(6) The department shall build a wheelchair ramp at the War Memorial Building which complies with all applicable federal laws, regulations and specifications regarding wheelchair ramps.

(7) The department shall review and preapprove all architectural or engineering service contracts entered into by any state agency, institution, commission, board or authority, regardless of the source of funding used to defray the costs of the construction or renovation project, for which services are to be obtained to ensure compliance with purchasing regulations and to confirm that the contracts are procured by a competitive qualification-based selection process except where such appointment is for an emergency project or for a continuation of a previous appointment for a directly related project. The provisions of this subsection (7) shall not apply to:

(a) Any architectural or engineering contract fully paid for by self-generated funds of any of the state institutions of higher learning;

(b) Any architectural or engineering contract that is self-administered at a state institution of higher learning as provided under Section 27-104-7(2)(b) or 37-101-15(m);

(c) Community college projects that are fully funded from local funds or other nonstate sources which are outside the Department of Finance and Administration's appropriations or as directed by the Legislature;

(d) Any construction or design projects of the State Military Department that are fully or partially funded from federal funds or other nonstate sources; and

(e) Any project of the State Department of Transportation.

(8) (a) The department shall have the authority to obtain annually from the state institutions of higher learning, the state community colleges and junior colleges, the Department of Mental Health, the Department of Corrections and the Department of Wildlife, Fisheries and Parks information on all renovation and repair expenditures for buildings under their operation and control, including duties, responsibilities and costs of any architect or engineer hired by any such institutions, and shall annually report the same to the Legislative Budget Office, the Chairman of the House Public Property Committee and the Chairman of the Senate Public Property Committee before September 1.

(b) All state agencies, departments and institutions are required to cooperate with the Department of Finance and Administration in carrying out the provisions of this subsection.

(c) Expenditures shall not include those amounts expended for janitorial, landscaping or administrative support, but shall include expenditures from both state and nonstate sources.

(d) Expenditures shall not include amounts expended by the department on behalf of state agencies, departments and

institutions through the Department of Finance and Administration administered contracts, but shall include amounts transferred to the Department of Finance and Administration for support of such contracts.

(9) As an alternative to other methods of awarding contracts as prescribed by law, the department may elect to use the method of contracting for construction projects set out in Sections 31-7-13.1 and 31-7-13.2; however, the dual-phase design-build method of construction contracting authorized under Section 31-7-13.1 may be used only when the Legislature has specifically required or authorized the use of this method in the legislation authorizing a project.

(10) The department shall have the authority, for the purposes of carrying out the provisions of this chapter, and in addition to all other rights and powers granted by law, to create and maintain a list of suspended and debarred contractors and subcontractors. Consistent with this authority, the department may adopt regulations governing the suspension or debarment of contractors and subcontractors, which regulations shall be subject to the approval of the Public Procurement Review Board. A suspended or debarred contractor or subcontractor shall be disqualified from consideration for contracts with the department during the suspension or debarment period in accordance with the department's regulations.

(11) This section shall not apply to the Mississippi State Port Authority.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 95

Description: Nursing home administrators; delete repealer on licensure requirements for and authorize board to conduct background checks.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: Passage

History of Actions:

1	01/07	(H)	Referred To Public Health and Human Services
2	01/26	(H)	Title Suff Do Pass Comm Sub
3	02/03	(H)	Committee Substitute Adopted
4	02/03	(H)	Amended
5	02/03	(H)	Passed As Amended {Vote}
6	02/04	(H)	Transmitted To Senate
7	02/16	(S)	Referred To Public Health and Welfare
8	03/02	(S)	Title Suff Do Pass As Amended
9	03/10	(S)	Amended
10	03/10	(S)	Passed As Amended {Vote}
11	03/10	(S)	Motion to Reconsider Entered
12	03/10	(S)	Reconsidered
13	03/10	(S)	Amended
14	03/10	(S)	Passed As Amended {Vote}
15	03/12	(S)	Returned For Concurrence
16	03/16	(H)	Decline to Concur/Invite Conf
17	03/22	(H)	Conferees Named Mims,McGee,Currie
18	03/23	(S)	Conferees Named Bryan,Parks,Frazier
19	03/25	(S)	Conference Report Filed
20	03/25	(H)	Conference Report Filed
21	03/26	(H)	Conference Report Adopted {Vote}
22	03/26	(S)	Conference Report Adopted {Vote}
23	03/27	(H)	Enrolled Bill Signed
24	03/28	(S)	Enrolled Bill Signed
25	04/17	Law	W/out Governor's Signature

Amendments:

[H] Amendment No 1 (Cmte Sub)*Adopted* Voice Vote
[S] Committee Amendment No 1 *Adopted*
[S] Amendment No 1 to Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for House Bill No. 95
Conference Reports:
| Conference Report

Code Section: A 073-0017-0011

----- Additional Information -----

House Committee: Public Health and Human Services
Senate Committee: Public Health and Welfare

Principal Author: Turner

Title: AN ACT TO AMEND SECTION 73-17-11, MISSISSIPPI CODE OF 1972, TO INCREASE MAXIMUM AMOUNT OF THE FEE THAT THE STATE BOARD OF NURSING HOME ADMINISTRATORS MAY CHARGE FOR INITIAL LICENSES AND BIENNIAL RENEWAL OF LICENSES; TO DELETE THE DATE OF THE REPEALER ON THE LICENSURE REQUIREMENTS FOR NURSING HOME ADMINISTRATORS; TO AUTHORIZE THE STATE BOARD OF NURSING HOME ADMINISTRATORS TO CONDUCT CRIMINAL HISTORY RECORD CHECKS ON APPLICANTS FOR LICENSURE; TO EXEMPT FROM CONTINUING EDUCATION REQUIREMENTS FOR LICENSE RENEWAL MEMBERS OF THE LEGISLATURE WHO SERVE ON THE PUBLIC HEALTH AND/OR MEDICAID COMMITTEE; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 95

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Turner

To: Public Health and Human Services

HOUSE BILL NO. 95
(As Sent to Governor)

AN ACT TO AMEND SECTION 73-17-11, MISSISSIPPI CODE OF 1972, TO INCREASE MAXIMUM AMOUNT OF THE FEE THAT THE STATE BOARD OF NURSING HOME ADMINISTRATORS MAY CHARGE FOR INITIAL LICENSES AND BIENNIAL RENEWAL OF LICENSES; TO DELETE THE DATE OF THE REPEALER ON THE LICENSURE REQUIREMENTS FOR NURSING HOME ADMINISTRATORS; TO AUTHORIZE THE STATE BOARD OF NURSING HOME ADMINISTRATORS TO CONDUCT CRIMINAL HISTORY RECORD CHECKS ON APPLICANTS FOR LICENSURE; TO EXEMPT FROM CONTINUING EDUCATION REQUIREMENTS FOR LICENSE RENEWAL MEMBERS OF THE LEGISLATURE WHO SERVE ON THE PUBLIC HEALTH AND/OR MEDICAID COMMITTEE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-17-11, Mississippi Code of 1972, is amended as follows:

73-17-11. (1) From and after July 1, 2011, in order to be eligible to be licensed as a nursing home administrator, an individual must submit evidence satisfactory to the board that he or she:

(a) Is at least twenty-one (21) years of age;

(b) Is of good moral character, including evidence of a criminal background check within the last six (6) months, under Section 43-11-13 and Section G.407.3 of the Minimum Standards for Institutions for the Aged or Infirm;

(c) Is in good health;

(d) Has satisfied at least one (1) of the following requirements for education and experience:

(i) Has sixty-four (64) hours of college work from an accredited institution and has worked in a supervisory capacity in a Mississippi-licensed nursing home for a minimum of two (2) years immediately before making application for the Administrator-in-Training Program established by board rule;

(ii) Has an associate degree from an accredited institution and has worked in a supervisory capacity in a Mississippi-licensed nursing home for a minimum of two (2) years immediately before making application for the Administrator-in-Training Program established by board rule;

(iii) Has a bachelor's degree in any other field of study from an accredited institution before making application for the Administrator-in-Training Program established by board rule; or

(iv) Has a bachelor's degree in health care administration or a health care related field or business from an accredited institution before making application for the Administrator-in-Training Program established by board rule;

(e) Has (i) completed a nursing home Administrator-in-Training Program and successfully completed the National Association of Long-Term Care Administrator Board (NAB) examination, or (ii) completed an Administrator-in-Training

Program in Long-Term Care Administration from an academic institution during which time the institution held National Association of Long-Term Care Administrator Board (NAB) Program Approval through the academic approval process, to the satisfaction of the board;

(f) Has successfully passed the National Association of Long-Term Care Administrator Board (NAB) examination and the Mississippi State Board of Nursing Home Administrators examination to test his or her proficiency and basic knowledge in the area of nursing home administration. The board may establish the frequency of the offering of those examinations and the contents thereof; and

(g) Has met all of the requirements established by federal law.

(2) The board is authorized to conduct a criminal history records check on applicants for licensure. In order to determine the applicant's suitability for licensing, the applicant shall be fingerprinted. The board shall submit the fingerprints to the Department of Public Safety for a check of the state criminal records and forward to the Federal Bureau of Investigation for a check of the national criminal records. The Department of Public Safety shall disseminate the results of the state check and the national check to the board for a suitability determination. The applicant shall not be charged any of the costs of requesting and

obtaining the state and national criminal history records information on the applicant.

(* * *3) Reciprocity shall be extended to individuals holding licenses as nursing home administrators in other states, upon proper application and a finding on the part of the board that:

(a) The applicant possesses the basic qualifications listed in this chapter and in the rules and regulations adopted under federal law;

(b) The applicant has met all of the requirements established by federal law; and

(c) The standards for licensure in the other states are at least the substantial equivalent of those in this state, including education and experience, and the applicant has passed both the National Association of Long-Term Care Administrator Board (NAB) and the state exams.

The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(* * *4) The board may prescribe appropriate fees for the taking of those examinations and for the issuance of licenses. Those fees shall be not more than the cost of the examinations and * * * Five Hundred Fifty Dollars ($550.00) for the issuance of a license. However, the fee for an initial license may be prorated in proportion to the period of time from the date of

issuance and the date of biennial license renewal prescribed in subsection (* * *5). All licenses issued under this chapter shall be for a maximum period of two (2) years.

(* * *5) Except as provided in Section 33-1-39, the board may renew licenses biennially upon the payment of a fee to be established by the board, which shall be not more than * * * Five Hundred Fifty Dollars ($550.00), plus any administrative costs for late payment.

(* * *6) Any person who is not licensed under this chapter on July 1, 2011, who makes application with the board on or before June 30, 2012, may qualify for a license under this chapter provided that on or before January 31, 2014, he or she demonstrates to the satisfaction of the board that he or she (a) meets the eligibility requirements for a nursing home administrator's license prescribed in this section as those requirements existed on June 30, 2011; (b) has successfully completed the Administrator-in-Training Program requirements existing on June 30, 2011; and (c) has paid all required fees for licensure.

(* * *7) Current licensure by the Department of Mental Health under Section 41-4-7(r) as a mental health/intellectual disability program administrator shall exempt the licensee from the requirement of licensure as a nursing home administrator if the licensee is employed in the state mental health system as Administrator of Intermediate Care Facility or Facilities for

Persons with Intellectual Disabilities (ICF/ID) no larger than sixteen (16) beds.

(* * *8) * * * Any member of the Legislature who serves on the Public Health and/or Medicaid Committee who is a licensed nursing home administrator shall be exempt from continuing education requirements for license renewal.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 104

Description: Board of Supervisors of Hancock County; revise salary of attorney hired to prosecute cases for county.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/07	(H) Referred To County Affairs
2	01/26	(H) Title Suff Do Pass
3	02/04	(H) Passed {Vote}
4	02/05	(H) Transmitted To Senate
5	02/18	(S) Referred To County Affairs; Appropriations
6	03/01	(S) DR - TSDPAA: CA To AP
7	03/02	(S) Title Suff Do Pass As Amended
8	03/10	(S) Amended
9	03/10	(S) Passed As Amended {Vote}
10	03/12	(S) Returned For Concurrence
11	03/15	(H) Decline to Concur/Invite Conf
12	03/22	(H) Conferees Named Byrd,Smith,Anderson (122nd)
13	03/23	(S) Conferees Named Hill,Whaley,McCaughn
14	03/28	(S) Conference Report Filed
15	03/28	(H) Conference Report Filed
16	03/29	(H) Conference Report Adopted {Vote}
17	03/29	(S) Conference Report Adopted {Vote}
18	04/01	(H) Enrolled Bill Signed
19	04/01	(S) Enrolled Bill Signed
20	04/09	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 104
Conference Reports:

| Conference Report

Code Section: A 019-0003-0049

----- Additional Information -----

House Committee: County Affairs
Senate Committee: County Affairs, Appropriations

Principal Author: Anderson (122nd)
Additional Authors: Byrd

Title: AN ACT TO AMEND SECTION 19-3-49, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE HANCOCK COUNTY BOARD OF SUPERVISORS, RATHER THAN PAYING THE ATTORNEY HIRED TO PROSECUTE CASES REQUIRING THE SERVICES OF A COUNTY PROSECUTING ATTORNEY AN ANNUAL SALARY OF FORTY-FIVE THOUSAND DOLLARS, MAY PAY SUCH ATTORNEY AN ANNUAL SALARY IN AN AMOUNT NOT TO EXCEED FIFTY PERCENT OF THE ANNUAL SALARY OF THE FULL-TIME DISTRICT ATTORNEY; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Anderson (122nd), Byrd To: County Affairs

HOUSE BILL NO. 104
(As Sent to Governor)

AN ACT TO AMEND SECTION 19-3-49, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE HANCOCK COUNTY BOARD OF SUPERVISORS, RATHER THAN PAYING THE ATTORNEY HIRED TO PROSECUTE CASES REQUIRING THE SERVICES OF A COUNTY PROSECUTING ATTORNEY AN ANNUAL SALARY OF FORTY-FIVE THOUSAND DOLLARS, MAY PAY SUCH ATTORNEY AN ANNUAL SALARY IN AN AMOUNT NOT TO EXCEED FIFTY PERCENT OF THE ANNUAL SALARY OF THE FULL-TIME DISTRICT ATTORNEY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 19-3-49, Mississippi Code of 1972, is amended as follows:

19-3-49. (1) In all counties of this state wherein there is no elected county prosecuting attorney, the boards of supervisors shall have the power and authority to employ a competent attorney to appear and prosecute in cases requiring the services of the county prosecuting attorney. The compensation paid to the person so employed shall be paid from the general fund of such county and shall not exceed, during any calendar year, the amount authorized by law to be paid as salary to the county prosecuting attorney in such county. The employment of a county prosecuting attorney as authorized by this section shall be pursuant to a contract which

shall provide that the salary of such county prosecuting attorney shall not be reduced, increased or terminated for the period of the contract. Such contract shall be for the period of the remainder of the term of office of the board of supervisors which employs the county prosecuting attorney; however, the contract shall provide expressly or by reference to this section that the contract shall be abrogated upon the creation and filling of the office of elected county prosecuting attorney.

(2) Notwithstanding any of the provisions of subsection (1) of this section to the contrary, the board of supervisors of Hancock County may pay the attorney hired to appear and prosecute cases requiring the services of a county prosecuting attorney an annual salary * * * in an amount not to exceed fifty percent (50%) of the annual salary of the full-time district attorney as provided in Section 25-3-35. The Legislature finds and declares that the annual salary authorized by this section is justified in Hancock County for the following reasons:

(a) The addition of a justice court judge in January 2004 created a total of three (3) judges in the county and requires the attorney hired to appear and prosecute cases requiring the services of a county prosecuting attorney to spend additional time in court; and

(b) The population of Hancock County increased from thirty-one thousand seven hundred sixty (31,760) in 1990, to forty-two thousand nine hundred sixty-seven (42,967) in 2000,

which placed it in the top ten percent (10%) of the fastest growing counties in the state. The population of Hancock County has continued to increase at one of the highest rates in the state through 2018; and

(c) There was a significant increase in the number of cases filed in justice court and cases appealed to a higher court; and

(d) The attorney hired to appear and prosecute cases requiring the services of a county prosecuting attorney is responsible for handling a large number of drug, alcohol and mental commitment proceedings, and the per capita rate of those proceedings in the county has far exceeded the typical rate in other Mississippi counties. Further, Hancock County created a county court in 2018 thus exacerbating the case load and expediency of those proceedings, requiring additional time and responsibilities of the county prosecutor.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 109

Description: State budget; enact and revise various provisions relating to.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/07	(H) Referred To Appropriations
2	01/28	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/03	(H) Immediate Release
5	02/03	(H) Transmitted To Senate
6	02/17	(S) Referred To Appropriations
7	03/02	(S) Title Suff Do Pass As Amended
8	03/09	(S) Amended
9	03/09	(S) Passed As Amended {Vote}
10	03/10	(S) Returned For Concurrence
11	03/12	(H) Decline to Concur/Invite Conf
12	03/22	(H) Conferees Named Read,Cockerham,Oliver
13	03/22	(S) Conferees Named Hopson,Polk,Wiggins
14	03/29	(S) Conference Report Filed
15	03/29	(H) Conference Report Filed
16	03/30	(H) Conference Report Adopted {Vote}
17	03/30	(S) Conference Report Adopted {Vote}
18	04/01	(H) Enrolled Bill Signed
19	04/01	(S) Enrolled Bill Signed
20	04/19	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 109

Conference Reports:
| Conference Report

Code Section: A 027-0103-0125, A 027-0103-0139, A 027-0103-0203, A 027-0103-0211, A 027-0103-0213, A 027-0103-0303, RP 057-0001-0451

----- Additional Information -----

House Committee: Appropriations
Senate Committee: Appropriations

Principal Author: Read

Title: AN ACT TO AMEND SECTIONS 27-103-125 AND 27-103-139, MISSISSIPPI CODE OF 1972, TO DELETE SOME TEMPORARY EXCEPTIONS FROM THE REQUIREMENTS FOR PREPARING THE PROPOSED STATE BUDGET; TO AMEND SECTION 27-103-203, MISSISSIPPI CODE OF 1972, TO DELETE SOME TEMPORARY LANGUAGE REGARDING TRANSFERS FROM THE WORKING CASH-STABILIZATION RESERVE FUND; TO AMEND SECTION 27-103-211, MISSISSIPPI CODE OF 1972, TO DELETE SOME TEMPORARY EXCEPTIONS TO THE LIMIT ON GENERAL FUND APPROPRIATIONS FOR THE STATE BUDGET; TO AMEND SECTION 27-103-213, MISSISSIPPI CODE OF 1972, TO DELETE SOME TEMPORARY LANGUAGE REGARDING THE DISTRIBUTION OF THE UNENCUMBERED CASH BALANCE IN THE STATE GENERAL FUND AT THE END OF THE FISCAL YEAR; TO AMEND SECTION 27-103-303, MISSISSIPPI CODE OF 1972, TO DELETE SOME TEMPORARY LANGUAGE AUTHORIZING FUNDS IN THE CAPITAL EXPENSE FUND TO BE USED FOR THE EMERGENCY PLUGGING OF ORPHANED WELLS IDENTIFIED BY THE OIL AND GAS BOARD; TO AMEND SECTIONS 1 AND 9 OF CHAPTER 43, LAWS OF 2020, TO TRANSFER A PORTION OF THE FUNDS APPROPRIATED FOR THE SUPPORT OF THE PUBLIC COMMUNITY COLLEGES TO FUND LIFE AND HEALTH INSURANCE FOR EMPLOYEES OF THE PUBLIC COMMUNITY COLLEGES; TO REPEAL SECTION 16 OF CHAPTER 78, LAWS OF 2020, WHICH APPROPRIATES A CERTAIN AMOUNT FROM THE CAPITAL EXPENSE FUND TO THE DIVISION OF MEDICAID; TO CREATE IN THE STATE TREASURY A SPECIAL FUND TO BE DESIGNATED AS THE "MDA SITE DEVELOPMENT GRANT PROGRAM FUND," WHICH SHALL BE USED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY TO MAKE GRANTS TO ASSIST ELIGIBLE ENTITIES UNDER THE MISSISSIPPI SITE DEVELOPMENT GRANT PROGRAM; TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER THE FULL BALANCE IN THE MISSISSIPPI DEVELOPMENT AUTHORITY JOB TRAINING GRANT FUND INTO THE CAPITAL EXPENSE FUND; TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER THE FULL BALANCE IN THE STATE PUBLIC SCHOOL EDUCATION TECHNOLOGY FUND INTO THE CAPITAL EXPENSE FUND; TO REPEAL SECTION 57-1-451, MISSISSIPPI CODE OF 1972, WHICH CREATES THE MISSISSIPPI DEVELOPMENT AUTHORITY JOB TRAINING GRANT FUND; TO CREATE IN THE STATE TREASURY A SPECIAL FUND TO BE DESIGNATED AS THE "DEQ WATER, LAND AND AIR CONTAMINATION PROJECTS FUND," WHICH SHALL BE USED BY THE MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE PURPOSE OF ASSESSMENT, REMEDIATION, OPERATION AND MAINTENANCE, COST-SHARING, OVERSIGHT AND ADMINISTRATION OF WATER, LAND AND AIR CONTAMINATION PROJECTS WITHIN THE STATE OF MISSISSIPPI; TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER A CERTAIN SUM FROM THE ATTORNEY GENERAL CONTINGENT FUND TO THE DEQ WATER, LAND AND AIR CONTAMINATION PROJECTS FUND;

TO AUTHORIZE CERTAIN SPECIAL FUND AGENCIES TO ESCALATE THEIR BUDGETS DURING FISCAL YEAR 2022 TO IMPLEMENT AND FUND INCREASES IN THE ANNUAL SALARIES OF THEIR EMPLOYEES; TO CREATE IN THE STATE TREASURY A SPECIAL FUND TO BE DESIGNATED AS THE "CORONAVIRUS STATE FISCAL RECOVERY FUND," WHICH SHALL CONSIST OF ALL FUNDS RECEIVED BY OR ON BEHALF OF THE STATE OF MISSISSIPPI THROUGH THE CORONAVIRUS STATE FISCAL RECOVERY FUND OF THE AMERICAN RESCUE PLAN ACT OF 2021; TO PROVIDE THAT MONIES IN THE FUND SHALL ONLY BE SPENT UPON APPROPRIATION BY THE LEGISLATURE AND SHALL ONLY BE USED AS PROVIDED IN THE CORONAVIRUS STATE FISCAL RECOVERY FUND OF THE AMERICAN RESCUE PLAN ACT OF 2021; TO CREATE IN THE STATE TREASURY A SPECIAL FUND TO BE DESIGNATED AS THE "CORONAVIRUS LOCAL FISCAL RECOVERY FUND," WHICH SHALL CONSIST OF ALL FUNDS RECEIVED BY OR ON BEHALF OF THE STATE OF MISSISSIPPI THROUGH THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND OF THE AMERICAN RESCUE PLAN ACT OF 2021 FOR DISTRIBUTION TO NONENTITLEMENT UNITS OF LOCAL GOVERNMENT; TO PROVIDE THAT THE FUND SHALL BE ADMINISTERED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO PROVIDE THAT THE DEPARTMENT OF FINANCE AND ADMINISTRATION SHALL DISTRIBUTE THE FUNDS TO NONENTITLEMENT UNITS OF LOCAL GOVERNMENT IN ACCORDANCE WITH THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND OF THE AMERICAN RESCUE PLAN ACT OF 2021; TO PROVIDE THAT THE FUNDS SHALL ONLY BE USED AS PROVIDED IN THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND OF THE AMERICAN RESCUE PLAN ACT OF 2021; TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE ROSS BARNETT RESERVOIR DREDGING FUND, WHICH SHALL CONSIST OF MONIES DEPOSITED INTO FUND BY THE BOARD OF DIRECTORS OF THE PEARL RIVER VALLEY WATER SUPPLY DISTRICT FROM THE LEASE PAYMENTS, FEES AND OTHER FUNDS RECEIVED BY THE DISTRICT DURING THE FISCAL YEAR; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Read To: Appropriations

HOUSE BILL NO. 109
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 27-103-125 AND 27-103-139, MISSISSIPPI CODE OF 1972, TO DELETE SOME TEMPORARY EXCEPTIONS FROM THE REQUIREMENTS FOR PREPARING THE PROPOSED STATE BUDGET; TO AMEND SECTION 27-103-203, MISSISSIPPI CODE OF 1972, TO DELETE SOME TEMPORARY LANGUAGE REGARDING TRANSFERS FROM THE WORKING CASH-STABILIZATION RESERVE FUND; TO AMEND SECTION 27-103-211, MISSISSIPPI CODE OF 1972, TO DELETE SOME TEMPORARY EXCEPTIONS TO THE LIMIT ON GENERAL FUND APPROPRIATIONS FOR THE STATE BUDGET; TO AMEND SECTION 27-103-213, MISSISSIPPI CODE OF 1972, TO DELETE SOME TEMPORARY LANGUAGE REGARDING THE DISTRIBUTION OF THE UNENCUMBERED CASH BALANCE IN THE STATE GENERAL FUND AT THE END OF THE FISCAL YEAR; TO AMEND SECTION 27-103-303, MISSISSIPPI CODE OF 1972, TO DELETE SOME TEMPORARY LANGUAGE AUTHORIZING FUNDS IN THE CAPITAL EXPENSE FUND TO BE USED FOR THE EMERGENCY PLUGGING OF ORPHANED WELLS IDENTIFIED BY THE OIL AND GAS BOARD; TO AMEND SECTIONS 1 AND 9 OF CHAPTER 43, LAWS OF 2020, TO TRANSFER A PORTION OF THE FUNDS APPROPRIATED FOR THE SUPPORT OF THE PUBLIC COMMUNITY COLLEGES TO FUND LIFE AND HEALTH INSURANCE FOR EMPLOYEES OF THE PUBLIC COMMUNITY COLLEGES; TO REPEAL SECTION 16 OF CHAPTER 78, LAWS OF 2020, WHICH APPROPRIATES A CERTAIN AMOUNT FROM THE CAPITAL EXPENSE FUND TO THE DIVISION OF MEDICAID; TO CREATE IN THE STATE TREASURY A SPECIAL FUND TO BE DESIGNATED AS THE "MDA SITE DEVELOPMENT GRANT PROGRAM FUND," WHICH SHALL BE USED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY TO MAKE GRANTS TO ASSIST ELIGIBLE ENTITIES UNDER THE MISSISSIPPI SITE DEVELOPMENT GRANT PROGRAM; TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER THE FULL BALANCE IN THE MISSISSIPPI DEVELOPMENT AUTHORITY JOB TRAINING GRANT FUND INTO THE CAPITAL EXPENSE FUND; TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER THE FULL BALANCE IN THE STATE PUBLIC SCHOOL EDUCATION TECHNOLOGY FUND INTO THE CAPITAL EXPENSE FUND; TO REPEAL SECTION 57-1-451, MISSISSIPPI CODE OF 1972, WHICH CREATES THE MISSISSIPPI DEVELOPMENT AUTHORITY JOB TRAINING GRANT FUND; TO CREATE IN THE STATE TREASURY A SPECIAL FUND TO BE DESIGNATED AS THE "DEQ WATER, LAND AND AIR CONTAMINATION PROJECTS FUND," WHICH SHALL BE USED BY

THE MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE PURPOSE OF ASSESSMENT, REMEDIATION, OPERATION AND MAINTENANCE, COST-SHARING, OVERSIGHT AND ADMINISTRATION OF WATER, LAND AND AIR CONTAMINATION PROJECTS WITHIN THE STATE OF MISSISSIPPI; TO DIRECT THE STATE FISCAL OFFICER TO TRANSFER A CERTAIN SUM FROM THE ATTORNEY GENERAL CONTINGENT FUND TO THE DEQ WATER, LAND AND AIR CONTAMINATION PROJECTS FUND; TO AUTHORIZE CERTAIN SPECIAL FUND AGENCIES TO ESCALATE THEIR BUDGETS DURING FISCAL YEAR 2022 TO IMPLEMENT AND FUND INCREASES IN THE ANNUAL SALARIES OF THEIR EMPLOYEES; TO CREATE IN THE STATE TREASURY A SPECIAL FUND TO BE DESIGNATED AS THE "CORONAVIRUS STATE FISCAL RECOVERY FUND," WHICH SHALL CONSIST OF ALL FUNDS RECEIVED BY OR ON BEHALF OF THE STATE OF MISSISSIPPI THROUGH THE CORONAVIRUS STATE FISCAL RECOVERY FUND OF THE AMERICAN RESCUE PLAN ACT OF 2021; TO PROVIDE THAT MONIES IN THE FUND SHALL ONLY BE SPENT UPON APPROPRIATION BY THE LEGISLATURE AND SHALL ONLY BE USED AS PROVIDED IN THE CORONAVIRUS STATE FISCAL RECOVERY FUND OF THE AMERICAN RESCUE PLAN ACT OF 2021; TO CREATE IN THE STATE TREASURY A SPECIAL FUND TO BE DESIGNATED AS THE "CORONAVIRUS LOCAL FISCAL RECOVERY FUND," WHICH SHALL CONSIST OF ALL FUNDS RECEIVED BY OR ON BEHALF OF THE STATE OF MISSISSIPPI THROUGH THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND OF THE AMERICAN RESCUE PLAN ACT OF 2021 FOR DISTRIBUTION TO NONENTITLEMENT UNITS OF LOCAL GOVERNMENT; TO PROVIDE THAT THE FUND SHALL BE ADMINISTERED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO PROVIDE THAT THE DEPARTMENT OF FINANCE AND ADMINISTRATION SHALL DISTRIBUTE THE FUNDS TO NONENTITLEMENT UNITS OF LOCAL GOVERNMENT IN ACCORDANCE WITH THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND OF THE AMERICAN RESCUE PLAN ACT OF 2021; TO PROVIDE THAT THE FUNDS SHALL ONLY BE USED AS PROVIDED IN THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND OF THE AMERICAN RESCUE PLAN ACT OF 2021; TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE KNOWN AS THE ROSS BARNETT RESERVOIR DREDGING FUND, WHICH SHALL CONSIST OF MONIES DEPOSITED INTO FUND BY THE BOARD OF DIRECTORS OF THE PEARL RIVER VALLEY WATER SUPPLY DISTRICT FROM THE LEASE PAYMENTS, FEES AND OTHER FUNDS RECEIVED BY THE DISTRICT DURING THE FISCAL YEAR; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-103-125, Mississippi Code of 1972, is amended as follows:

27-103-125. The proposed budget of each state agency shall show the amounts required for operating expenses separately from the amounts required for permanent improvements. The overall budget shall show, separately by each source, the estimated amount

of general fund revenue and of special fund revenues of general fund agencies. The total proposed expenditures in Part 1 of the overall budget shall not exceed the amount of estimated revenues that will be available in the general and special funds for appropriation or use during the succeeding fiscal year, including any balances other than unencumbered balances in general funds that will be on hand in the general and special funds at the close of the then current fiscal year. The total proposed expenditures from the State General Fund in Part 1 of the overall budget shall not exceed ninety-eight percent (98%) of the amount of general fund revenue estimate for the succeeding fiscal year. * * * The general fund revenue estimate shall be the estimate jointly adopted by the Governor and the Joint Legislative Budget Committee. The Legislative Budget Office may recommend additional taxes or sources of revenue if in its judgment those additional funds are necessary to adequately support the functions of the state government.

SECTION 2. Section 27-103-139, Mississippi Code of 1972, is amended as follows:

27-103-139. On or before November 15 preceding each regular session of the Legislature, except the first regular session of a new term of office, the Governor shall submit to the members of the Legislature, the Legislative Budget Office or the members-elect, as the case may be, and to the executive head of each state agency a balanced budget for the succeeding fiscal

year. The budget submitted shall be prepared in a format that will include performance measurement data associated with the various programs operated by each agency. The total proposed expenditures in the balanced budget shall not exceed the amount of estimated revenues that will be available for appropriation or use during the succeeding fiscal year, including any balances other than unencumbered balances in general funds that will be on hand at the close of the then current fiscal year, as determined by the revenue estimate jointly adopted by the Governor and the Legislative Budget Committee. The total proposed expenditures from the State General Fund in the balanced budget shall not exceed ninety-eight percent (98%) of the amount of general fund revenue estimate for the succeeding fiscal year. * * * The general fund revenue estimate shall be the estimate jointly adopted by the Governor and the Joint Legislative Budget Committee.

The revenues used in preparing the balanced budget shall be only those revenues that will be available under the general laws of the state as they exist when the balanced budget is prepared, and shall not include any proposed revenues that would become available only after the enactment of new legislation. If the Governor has any recommendations for additional proposed expenditures or proposed revenues that are not included in his balanced budget, he shall submit those recommendations in a supplement that is separate from his balanced budget, and whenever

the Governor recommends any such additional proposed expenditures, he also shall recommend proposed revenues that are sufficient to fund the additional proposed expenditures, providing specific details regarding the sources and the total amount of those proposed revenues.

The Governor may employ a budget officer for the purpose of receiving information from the State Fiscal Officer and preparing his recommendations on the budget. If the Governor determines that information received from the State Fiscal Officer is not sufficient to enable him to prepare his budget recommendations, he may request an appropriation from the Legislature to provide additional staff within the Governor's office for that purpose. At the first regular session after his election for Governor, the Governor shall submit any budget recommendations plus the required revenue source recommendations no later than January 31 of that year.

SECTION 3. Section 27-103-203, Mississippi Code of 1972, is amended as follows:

27-103-203. (1) There is created in the State Treasury a special fund, separate and apart from any other fund, to be designated the Working Cash-Stabilization Reserve Fund.

(2) The Working Cash-Stabilization Reserve Fund shall not be considered as a surplus or available funds when adopting a balanced budget as required by law. The State Treasurer shall invest all sums in the Working Cash-Stabilization Reserve Fund not

needed for the purposes provided for in this section in certificates of deposit, repurchase agreements and other securities as authorized in Section 27-105-33(d) or Section 7-9-103, as the State Treasurer may determine to yield the highest market rate available. If the Ayers Settlement Fund is created under Section 37-101-27(5), the first Five Million Dollars ($5,000,000.00) of interest earned on those sums each fiscal year shall be deposited into that fund until a total of Seventy Million Dollars ($70,000,000.00) has been deposited into the fund. The interest, or the remaining interest if the Ayers Settlement Fund is created, that is earned on those sums shall be deposited in the Working Cash-Stabilization Reserve Fund until the balance of principal and interest in the fund reaches ten percent (10%) of the total General Fund appropriations for the current fiscal year, and all interest earned in excess of amounts necessary to maintain the ten percent (10%) fund balance requirement shall be deposited by the State Treasurer into the State General Fund.

(3) The Working Cash-Stabilization Reserve Fund, except for Fifteen Million Dollars ($15,000,000.00) and the amount of the interest and income earned on the principal of the Ayers Endowment Trust created by Section 37-101-27, shall be used by the State Treasurer for cash flow needs throughout the year when the Executive Director of the Department of Finance and Administration certifies that in his opinion there will be cash flow deficiencies in the State General Fund. No borrowing of monies from other

special funds for such purposes as authorized by Section 31-17-101 et seq., shall be made as long as an unencumbered balance in excess of Fifteen Million Dollars ($15,000,000.00) and the interest and income earned on the principal of the Ayers Endowment Trust created by Section 37-101-27 remains in the fund. The State Treasurer shall reimburse the fund for all sums borrowed for those purposes from General Fund revenues collected during the fiscal year in which those funds are used. The State Treasurer shall immediately notify the Legislative Budget Office and the State Department of Finance and Administration of each transfer into and out of the fund. Fifteen Million Dollars ($15,000,000.00) in the Working Cash-Stabilization Reserve Fund shall remain available for exclusive use of the Ayers Endowment Trust created by Section 37-101-27. If the Ayers Settlement Fund is created under Section 37-101-27(5), beginning when a total of Fifty-five Million Dollars ($55,000,000.00) has been deposited into the fund, for each annual deposit of interest to that fund under subsection (2) of this section, the Ayers Endowment Trust created under Section 37-101-27(1) shall be reduced by an equal amount annually until the Ayers Endowment Trust reaches Zero Dollars ($0.00), at which time any requirements concerning the Ayers Endowment Trust in this section shall be null and void.

(4) The Working Cash-Stabilization Reserve Fund, except for Forty Million Dollars ($40,000,000.00), shall also be used for the purpose of covering any projected deficits that may occur in the

General Fund at the end of a fiscal year as a result of revenue shortfalls. If the Governor determines that a deficit in revenues from all sources may occur, it shall be the duty of the Executive Director of the Department of Finance and Administration to transfer such funds as necessary to the General Fund to alleviate the deficit in accordance with Sections 27-104-13 and 31-17-123; however, not more than Fifty Million Dollars ($50,000,000.00) may be transferred from the fund for that purpose in any one (1) fiscal year * * *.

(5) The Working Cash-Stabilization Reserve Fund also shall be used to provide funds for the Disaster Assistance Trust Fund when those funds are immediately needed to provide for disaster assistance under Sections 33-15-301 through 33-15-317. Any transfer of funds from the Working Cash-Stabilization Reserve Fund to the Disaster Assistance Trust Fund shall be made in accordance with the provisions of subsection (5) of Section 33-15-307.

(6) The Department of Finance and Administration shall immediately send notice of any transfers made, or other action taken under authority of this section, to the Legislative Budget Office.

(7) Funds deposited in the Working Cash-Stabilization Reserve Fund shall be used only for the purposes specified in this section, and as long as the provisions of this section remain in effect, no other expenditure, appropriation or transfer of funds in the Working Cash-Stabilization Reserve Fund shall be made

except by act of the Legislature making specific reference to the Working Cash-Stabilization Reserve Fund as the source of those funds.

(8) Any funds appropriated from the Working Cash-Stabilization Reserve Fund that are unexpended at the end of a fiscal year shall lapse into the Working Cash-Stabilization Reserve Fund.

SECTION 4. Section 27-103-211, Mississippi Code of 1972, is amended as follows:

27-103-211. The total sum appropriated by the Legislature from the State General Fund for any fiscal year shall not exceed ninety-eight percent (98%) of the general fund revenue estimate for that fiscal year developed by the Department of Revenue and the University Research Center and adopted by the Joint Legislative Budget Committee. The unencumbered balances in general funds that will be available and on hand at the close of the fiscal year shall not include projected amounts required to be deposited into the Working Cash-Stabilization Reserve Fund under Section 27-103-203. * * *

SECTION 5. Section 27-103-213, Mississippi Code of 1972, is amended as follows:

27-103-213. (1) The unencumbered cash balance in the General Fund in the State Treasury at the close of each fiscal year shall be distributed to the Municipal Revolving Fund, the

Working Cash-Stabilization Reserve Fund and the Capital Expense Fund in the manner provided in this section * * *.

(2) (a) At the end of each fiscal year, the Executive Director of the Department of Finance and Administration and the State Treasurer shall determine the extent of the unencumbered cash balance existing in the General Fund in the State Treasury.

(b) As used in this section, the term "unencumbered cash balance" or "unencumbered General Fund cash balance" means the amount in the State General Fund after deducting all appropriations and other expenditures. However, if the Legislature has authorized additional or deficit appropriations or transfers from the State General Fund for that fiscal year, those amounts shall be subtracted from the unencumbered cash balance in the General Fund before determining the amount available for distribution. The unencumbered General Fund cash balance shall not be determined until after August 31 of each year, and it shall not be made until the State Treasurer has received a certificate in writing from the Executive Director of the Department of Finance and Administration, with notification to the Legislative Budget Office, showing the amount of the unencumbered General Fund cash balance.

(3) If any unencumbered General Fund cash balance is available for distribution under this section, the distribution of those funds shall be made by the Executive Director of the Department of Finance and Administration in the following order:

(a) To the Municipal Revolving Fund, an amount equal to Seven Hundred Fifty Thousand Dollars ($750,000.00); however, if the amount of the unencumbered General Fund cash balance is less than Seven Hundred Fifty Thousand Dollars ($750,000.00), then the total amount of the unencumbered General Fund cash balance shall be distributed to the Municipal Revolving Fund.

(b) To the Working Cash-Stabilization Reserve Fund, fifty percent (50%) of the amount of the unencumbered General Fund cash balance after the distributions are made under paragraph (a), not to exceed ten percent (10%) of the General Fund appropriations for the fiscal year that the unencumbered General Fund cash balance represents. For the purposes of this paragraph (b), the appropriations for the fiscal year shall be the total amount contained in the actual appropriation bills passed by the Legislature.

(c) To the Capital Expense Fund, any remaining amount of the unencumbered General Fund cash balance after the distributions are made under paragraphs (a) and (b).

* * *

SECTION 6. Section 27-103-303, Mississippi Code of 1972, is amended as follows:

27-103-303. (1) There is created in the State Treasury a special fund, separate and apart from any other fund, to be designated the Capital Expense Fund.

(2) The Capital Expense Fund shall not be considered as a surplus or available funds when adopting a balanced budget as required by law. The State Treasurer shall invest all sums in the Capital Expense Fund not needed for the purposes provided for in this section in certificates of deposit, repurchase agreements and other securities as authorized in Section 27-105-33(d) or Section 7-9-103, as the State Treasurer may determine to yield the highest market rate available. Interest earned on this fund shall be deposited by the State Treasurer into the State General Fund.

(3) The Capital Expense Fund shall be used for capital expense needs, repair and renovation of state-owned properties and specific expenditures authorized by the Legislature. The Legislature shall designate those capital expense projects, repair and renovation projects and other authorized projects in an appropriation act passed by the Legislature, which shall direct the Director of the Department of Finance and Administration to administer the projects.

(4) In addition to the purposes specified in subsection (3) of this section, the Capital Expense Fund shall be used to provide funds for emergency repairs on state-owned buildings * * * upon requisition of the Executive Director of the Department of Finance and Administration. Whenever the executive director determines that funds are immediately needed for emergency repairs on state-owned buildings * * *, he or she shall requisition the funds needed from the Capital Expense Fund, which shall be subject to

the limitations set forth in this subsection. At the same time he or she makes the requisition, the executive director shall notify the Lieutenant Governor, the Speaker of the House of Representatives, the respective Chairmen of the Senate Appropriations Committee, the Senate Finance Committee, the House Appropriations Committee and the House Ways and Means Committee and the Legislative Budget Office of his or her determination of the need for the funds, the amount that he or she has requisitioned and where the funds will be used. If the amount requisitioned is available in the Capital Expense Fund, is not allocated for any specific projects as authorized in subsection (3) of this section and is within the limitations set forth below in this subsection, then the executive director may escalate the budget of the Bureau of Building, Grounds and Real Property Management * * * to use the full amount of the requisitioned funds for the emergency repairs * * * and transfer that amount to the bureau * * * for that purpose. If the amount requisitioned is more than the amount available in the Capital Expense Fund or above the limitations set forth below in this subsection, then the executive director may escalate the budget of the bureau * * * to use the amount that is available within the limitations for the emergency repairs * * * and transfer that amount to the bureau * * * for that purpose. The maximum amount that may be transferred from the Capital Expense Fund to the bureau * * * for any single emergency shall be One Million Dollars ($1,000,000.00),

and the maximum amount that may be transferred to the bureau * * * for all emergencies during any fiscal year shall be Five Million Dollars ($5,000,000.00).

(5) Funds deposited in the Capital Expense Fund shall be used only for the purposes specified in this section, and as long as the provisions of this section remain in effect, no other expenditure, appropriation or transfer of funds in the Capital Expense Fund shall be made except by act of the Legislature making specific reference to the Capital Expense Fund as the source of those funds.

(6) Unexpended funds in the Capital Expense Fund at the end of a fiscal year shall not lapse into the State General Fund but shall remain in the fund for use under this section. Any funds appropriated from the Capital Expense Fund that are unexpended at the end of a fiscal year shall lapse into the Capital Expense Fund.

SECTION 7. Section 1 of Chapter 43, Laws of 2020, is amended as follows:

Section 1. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the aid and support of the public community and junior colleges for the fiscal year beginning July 1, 2020, and ending June 30, 2021..... ..... * * * $142,948,318.00.

SECTION 8. Section 8 of Chapter 43, Laws of 2020, is amended as follows:

Section 8. The following sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the State General Fund not otherwise appropriated, for the aid of the public community and junior colleges, to fund life and health insurance, for all employees of the public community and junior colleges for the fiscal year beginning July 1, 2020, and ending June 30, 2021..... * * * $24,254,533.00.

The funds allocated in this section shall only be used to participate in the State and School Employees' Life and Health Insurance Plan. Any funds appropriated in this section which are not expended during the fiscal year shall be carried forward for the same purposes during the next succeeding fiscal year.

SECTION 9. Section 16 of Chapter 78, Laws of 2020, which appropriates a certain amount from the Capital Expense Fund to the Division of Medicaid, is repealed.

SECTION 10. There is created in the State Treasury a special fund to be designated as the "MDA Site Development Grant Program Fund," which shall consist of funds made available by the Legislature in any manner and funds from any other source designated for deposit into the fund. Monies in the fund shall be used by the Mississippi Development Authority, upon appropriation by the Legislature, to make grants to assist eligible entities under the Mississippi Site Development Grant Program as provided

in Section 57-1-701. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund.

SECTION 11. Not later than thirty (30) days after the effective date of this act, the State Fiscal Officer shall transfer the full balance in the Mississippi Development Authority Job Training Grant Fund into the Capital Expense Fund.

SECTION 12. Not later than thirty (30) days after the effective date of this act, the State Fiscal Officer shall transfer the full balance in the State Public School Education Technology Fund into the Capital Expense Fund.

SECTION 13. Section 57-1-451, Mississippi Code of 1972, which creates the Mississippi Development Authority Job Training Grant Fund, is repealed thirty (30) days after the effective date of this act.

SECTION 14. (1) There is created in the State Treasury a special fund to be designated as the "DEQ Water, Land and Air Contamination Projects Fund," which shall consist of funds transferred from the Attorney General Contingent Fund under the provisions of subsection (2) of this section, any other funds made available by the Legislature in any manner and funds from any other source designated for deposit into the fund. Monies in the fund shall be used by the Mississippi Department of Environmental Quality, upon appropriation by the Legislature, for the purpose of

assessment, remediation, operation and maintenance, cost-sharing, oversight and administration of water, land and air contamination projects within the State of Mississippi pursuant to the 2020 settlement in the case of *The State of Mississippi ex rel. Lynn Fitch, Attorney General vs. EnPro, Inc.*, et.al.; Cause No. CV-2017-19-JMY2. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund.

(2) During fiscal year 2022, the State Fiscal Officer shall transfer the sum of One Million Dollars ($1,000,000.00) from the Attorney General Contingent Fund to the DEQ Water, Land and Air Contamination Projects Fund created in subsection (1) of this section.

SECTION 15. (1) It is the intent of the Legislature that the agencies listed in subsection (2) of this section shall have the authority to expend funds from any source that may become available to the agency in fiscal year 2022 in accordance with the rules and regulations of the Department of Finance and Administration in a manner consistent with the escalation of federal funds for the purpose of implementation and funding Project SEC2 of the Colonel Guy Groff State Variable Compensation Plan beginning January 1, 2022 and ending June 30, 2022. It shall be the agency's responsibility to make certain that each person, excluding executive directors, agency heads, and elected judges,

shall receive no more than a three percent (3%) annual increase in salary which shall not exceed the market rate established by the State Personnel Board pursuant to the Colonel Guy Groff State Variable Compensation Plan for each classification.

(2) Based on data provided by the Legislative Budget Office, the State Personnel Board shall determine and publish the projected annual cost to fully fund all appropriated positions in compliance with the provisions of this section. The agencies listed are authorized to escalate other special funds for the limited purpose provided in this section in an amount not to exceed the following:

AGENCY	AMOUNT
Architecture, Board of	$ 650.00
Barber Examiners, Board of	$ 1,232.00
Cosmetology, Board of	$ 4,942.00
Dental Examiners, Board of	$ 4,492.00
Engineers & Land Surveyors, Board of Prof.	$ 2,412.00
Medical Licensure Board	$ 18,233.00
Motor Vehicle Commission	$ 1,399.00
Nursing Home Administrators, Board of	$ 608.00
Nursing, Board of	$ 22,876.00
Pat Harrison Waterway District	$ 16,539.00
Pearl River Valley Water Supply District	$ 64,124.00
Pharmacy, Board of	$ 4,827.00
Physical Therapy, Board of	$ 677.00

Public Accountancy, Board of	$ 3,441.00
Public Contractors, Board of	$ 10,028.00
Real Estate Appr. Licensing & Cert., Board of	$ 1,794.00
Real Estate Commission	$ 9,298.00
Social Workers & Marriage/Family Therapists, Board of	$ 985.00
Veterans' Home Purchase Board	$ 13,470.00

SECTION 16. (1) All funds received by or on behalf of the State of Mississippi through the Coronavirus State Fiscal Recovery Fund in Section 9901 of the American Rescue Plan Act of 2021 (Public Law No. 117-2) shall be deposited into the Coronavirus State Fiscal Recovery Fund created in subsection (2) of this section.

(2) There is created in the State Treasury a special fund to be designated as the "Coronavirus State Fiscal Recovery Fund." The special fund shall consist of funds required to be deposited into the special fund by subsection (1) of this section, funds appropriated or otherwise made available by the Legislature in any manner, and funds from any other source designated for deposit into the special fund. Monies in the fund shall only be spent upon appropriation by the Legislature and shall only be used as provided in the Coronavirus State Fiscal Recovery Fund in Section 9901 of the American Rescue Plan Act of 2021 (Public Law No. 117-2) or as authorized by federal rule or regulation or guidelines.

(3) Unexpended amounts remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund but shall remain in the Coronavirus State Fiscal Recovery Fund. Any investment earnings or interest earned on amounts in the special fund shall be deposited to the credit of the special fund.

SECTION 17. (1) All funds received by or on behalf of the State of Mississippi through the Coronavirus Local Fiscal Recovery Fund in Section 9901 of the American Rescue Plan Act of 2021 (Public Law No. 117-2) for distribution to nonentitlement units of local government shall be deposited into the Coronavirus Local Fiscal Recovery Fund created in subsection (2) of this section.

(2) There is created in the State Treasury a special fund to be designated as the "Coronavirus Local Fiscal Recovery Fund" to be administered by the Department of Finance and Administration. The special fund shall consist of funds required to be deposited into the special fund by subsection (1) of this section, funds appropriated or otherwise made available by the Legislature in any manner, and funds from any other source designated for deposit into the special fund. The Department of Finance and Administration shall distribute the funds to the nonentitlement units of local government in accordance with the Coronavirus Local Fiscal Recovery Fund in Section 9901 of the American Rescue Plan Act of 2021 (Public Law No. 117-2) and any applicable federal guidelines. Such funds shall only be used as provided in the Coronavirus Local Fiscal Recovery Fund in Section 9901 of the

American Rescue Plan Act of 2021 (Public Law No. 117-2) or as authorized by federal rule or regulation or guidelines.

(3) Unexpended amounts remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund but shall remain in the Coronavirus Local Fiscal Recovery Fund. Any investment earnings or interest earned on amounts in the special fund shall be deposited to the credit of the special fund.

SECTION 18. (1) There is created in the State Treasury a special fund to be known as the Ross Barnett Reservoir Dredging Fund. The fund shall consist of the monies deposited into the fund as provided in subsection (2) of this section and any other monies appropriated or otherwise made available for the fund by the Legislature. The fund shall be administered and expended by the Board of Directors of the Pearl River Valley Water Supply District, upon appropriation by the Legislature, for dredging and other related activities to remove sediments and debris from the bottom of the Ross Barnett Reservoir.

(2) During fiscal year 2022 and each fiscal year thereafter, the Board of Directors of the Pearl River Valley Water Supply District may deposit not more than Two Hundred Thousand Dollars ($200,000.00) of the lease payments, fees and other funds received by the district during the fiscal year into the Ross Barnett Dredging Fund.

(3) Unexpended amounts remaining in the Ross Barnett Dredging Fund at the end of a fiscal year shall not lapse into the

State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund.

SECTION 19. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 119

Description: Harper's Grace Law; extend repealer on authority to research and dispense cannabidiol (CBD oil) for medical purposes.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/08	(H) Referred To Judiciary B
2	01/27	(H) Title Suff Do Pass
3	02/04	(H) Passed {Vote}
4	02/05	(H) Transmitted To Senate
5	02/18	(S) Referred To Public Health and Welfare
6	03/02	(S) Title Suff Do Pass
7	03/10	(S) Amended
8	03/10	(S) Passed As Amended {Vote}
9	03/10	(S) Motion to Reconsider Entered
10	03/11	(S) Reconsidered
11	03/11	(S) Amended
12	03/11	(S) Passed As Amended {Vote}
13	03/12	(S) Returned For Concurrence
14	03/18	(H) Decline to Concur/Invite Conf
15	03/22	(H) Conferees Named Bain,Steverson,Barnett
16	03/23	(S) Conferees Named Bryan,Blackwell,Harkins
17	03/29	(S) Conference Report Filed
18	03/29	(H) Conference Report Filed
19	03/30	(H) Conference Report Adopted {Vote}
20	03/30	(S) Conference Report Adopted {Vote}
21	04/01	(H) Enrolled Bill Signed
22	04/01	(S) Enrolled Bill Signed
23	04/09	Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 119

Conference Reports:
| Conference Report

Code Section: A 041-0029-0136

----- Additional Information -----

House Committee: Judiciary B
Senate Committee: Public Health and Welfare

Principal Author: Turner
Additional Authors: Anderson (122nd)

Title: AN ACT TO AMEND SECTION 41-29-136, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON HARPER GRACE'S LAW, WHICH AUTHORIZES RESEARCH AND THE DISPENSING, POSSESSION AND USE OF CANNABIDIOL (CBD OIL) FOR MEDICAL PURPOSES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Turner, Anderson (122nd) To: Judiciary B

HOUSE BILL NO. 119
(As Sent to Governor)

AN ACT TO AMEND SECTION 41-29-136, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON HARPER GRACE'S LAW, WHICH AUTHORIZES RESEARCH AND THE DISPENSING, POSSESSION AND USE OF CANNABIDIOL (CBD OIL) FOR MEDICAL PURPOSES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-29-136, Mississippi Code of 1972, is amended as follows:

41-29-136. (1) "CBD solution" means a pharmaceutical preparation consisting of processed cannabis plant extract in oil or other suitable vehicle.

(2) (a) CBD solution prepared from (i) Cannabis plant extract that is provided by the National Center for Natural Products Research at the University of Mississippi under appropriate federal and state regulatory approvals, or (ii) Cannabis extract from hemp produced pursuant to Sections 69-25-201 through 69-25-221, which is prepared and tested to meet compliance with regulatory specifications, may be dispensed by the Department of Pharmacy Services at the University of Mississippi Medical

Center (UMMC Pharmacy) after mixing the extract with a suitable vehicle. The CBD solution may be prepared by the UMMC Pharmacy or by another pharmacy or laboratory in the state under appropriate federal and state regulatory approvals and registrations.

(b) The patient or the patient's parent, guardian or custodian must execute a hold-harmless agreement that releases from liability the state and any division, agency, institution or employee thereof involved in the research, cultivation, processing, formulating, dispensing, prescribing or administration of CBD solution obtained from entities authorized under this section to produce or possess cannabidiol for research under appropriate federal and state regulatory approvals and registrations.

(c) The National Center for Natural Products Research at the University of Mississippi and the Mississippi Agricultural and Forestry Experiment Station at Mississippi State University are the only entities authorized to produce cannabis plants for cannabidiol research.

(d) Research of CBD solution under this section must comply with the provisions of Section 41-29-125 regarding lawful possession of controlled substances, of Section 41-29-137 regarding record-keeping requirements relative to the dispensing, use or administration of controlled substances, and of Section 41-29-133 regarding inventory requirements, insofar as they are

applicable. Authorized entities may enter into public-private partnerships to facilitate research.

(3) (a) In a prosecution for the unlawful possession of marijuana under the laws of this state, it is an affirmative and complete defense to prosecution that:

(i) The defendant suffered from a debilitating epileptic condition or related illness and the use or possession of CBD solution was pursuant to the order of a physician as authorized under this section; or

(ii) The defendant is the parent, guardian or custodian of an individual who suffered from a debilitating epileptic condition or related illness and the use or possession of CBD solution was pursuant to the order of a physician as authorized under this section.

(b) An agency of this state or a political subdivision thereof, including any law enforcement agency, may not initiate proceedings to remove a child from the home based solely upon the possession or use of CBD solution by the child or parent, guardian or custodian of the child as authorized under this section.

(c) An employee of the state or any division, agency, institution thereof involved in the research, cultivation, processing, formulation, dispensing, prescribing or administration of CBD solution shall not be subject to prosecution for unlawful possession, use, distribution or prescription of marijuana under the laws of this state for activities arising from or related to

the use of CBD solution in the treatment of individuals diagnosed with a debilitating epileptic condition.

(4) This section shall be known as "Harper Grace's Law."

(5) This section shall stand repealed from and after July 1, * * * 2024.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 196

Description: "Dignity for Incarcerated Women Act"; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/14	(H) Referred To Judiciary B
2	01/28	(H) Title Suff Do Pass
3	02/09	(H) Passed {Vote}
4	02/10	(H) Transmitted To Senate
5	02/18	(S) Referred To Corrections; Public Health and Welfare
6	03/01	(S) DR - TSDPAA: CR To PH
7	03/02	(S) Title Suff Do Pass As Amended
8	03/04	(S) Amended
9	03/04	(S) Passed As Amended {Vote}
10	03/08	(S) Motion to Reconsider Entered
11	03/11	(S) Motion to Reconsider Tabled
12	03/11	(S) Returned For Concurrence
13	03/16	(H) Decline to Concur/Invite Conf
14	03/22	(H) Conferees Named Bain,Jackson,Williams-Barnes
15	03/23	(S) Conferees Named Barnett,Parker,Chassaniol
16	03/24	(S) Conference Report Filed
17	03/24	(H) Conference Report Filed
18	03/25	(H) Conference Report Adopted {Vote}
19	03/25	(S) Conference Report Adopted {Vote}
20	03/27	(H) Enrolled Bill Signed
21	03/27	(S) Enrolled Bill Signed
22	04/14	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 196

Conference Reports:
Conference Report

----- Additional Information -----

House Committee: Judiciary B
Senate Committee: Corrections, Public Health and Welfare

Principal Author: Bain
Additional Authors: Jackson, Williams-Barnes, Owen, Gibbs (72nd), Summers, Roberson, Crawford, Mickens, Anthony, Eubanks, Stamps

Title: AN ACT TO CREATE THE "DIGNITY FOR INCARCERATED WOMEN ACT"; TO DEFINE CERTAIN TERMS AS USED UNDER THE ACT; TO PROVIDE THAT WHEN AN INCARCERATED INMATE IS GIVING BIRTH, THE USE OF RESTRAINTS SHALL BE LIMITED; TO REQUIRE CERTAIN CARE AND TREATMENT FOR WOMEN RELATED TO PREGNANCY AND CHILDBIRTH; TO REQUIRE CERTAIN CARE DURING INMATE POSTPARTUM RECOVERY; TO URGE THE DEPARTMENT OF CORRECTIONS TO PLACE MOTHERS WHO ARE PARENTS OF A MINOR CHILD WITHIN A CERTAIN DISTANCE FROM THE MOTHER'S PERMANENT ADDRESS; TO PROVIDE CERTAIN STANDARDS WHERE A FEMALE IS IN THE STATE OF UNDRESS; TO PROVIDE THAT INCARCERATED WOMEN SHALL HAVE ACCESS TO FEMININE HYGIENE PRODUCTS AND TO PROVIDE SUCH PRODUCTS AT NO COST IF AN INMATE IS DETERMINED TO BE INDIGENT; TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO DEVELOP AND PROVIDE TO ITS CORRECTION STAFF TRAINING RELATED TO THE PHYSICAL AND MENTAL HEALTH OF PREGNANT INMATES IF SUCH STAFF HAVE CONTACT WITH PREGNANT INMATES; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 196

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Bain, Jackson, Williams-Barnes, Owen, Gibbs (72nd), Summers, Roberson, Crawford, Mickens, Anthony, Eubanks, Stamps

To: Judiciary B

HOUSE BILL NO. 196
(As Sent to Governor)

AN ACT TO CREATE THE "DIGNITY FOR INCARCERATED WOMEN ACT"; TO DEFINE CERTAIN TERMS AS USED UNDER THE ACT; TO PROVIDE THAT WHEN AN INCARCERATED INMATE IS GIVING BIRTH, THE USE OF RESTRAINTS SHALL BE LIMITED; TO REQUIRE CERTAIN CARE AND TREATMENT FOR WOMEN RELATED TO PREGNANCY AND CHILDBIRTH; TO REQUIRE CERTAIN CARE DURING INMATE POSTPARTUM RECOVERY; TO URGE THE DEPARTMENT OF CORRECTIONS TO PLACE MOTHERS WHO ARE PARENTS OF A MINOR CHILD WITHIN A CERTAIN DISTANCE FROM THE MOTHER'S PERMANENT ADDRESS; TO PROVIDE CERTAIN STANDARDS WHERE A FEMALE IS IN THE STATE OF UNDRESS; TO PROVIDE THAT INCARCERATED WOMEN SHALL HAVE ACCESS TO FEMININE HYGIENE PRODUCTS AND TO PROVIDE SUCH PRODUCTS AT NO COST IF AN INMATE IS DETERMINED TO BE INDIGENT; TO REQUIRE THE DEPARTMENT OF CORRECTIONS TO DEVELOP AND PROVIDE TO ITS CORRECTION STAFF TRAINING RELATED TO THE PHYSICAL AND MENTAL HEALTH OF PREGNANT INMATES IF SUCH STAFF HAVE CONTACT WITH PREGNANT INMATES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Title. Sections 1 through 9 of this act may be cited as the "Dignity for Incarcerated Women Act."

SECTION 2. Legislative findings and purpose. The Legislature of the State of Mississippi finds that:

(a) The number of incarcerated women in the State of Mississippi has increased by a third (1/3) since 2001 and at one point in 2008 the rate had grown by forty-four percent (44%);

(b) Nationally, the number of children under age eighteen (18) with a mother in prison more than doubled since 1991;

(c) Children who grow up with parents in prison are six (6) to seven (7) times more likely to become incarcerated themselves;

(d) Prisoners who maintain close contact with their family members while incarcerated have better post-release outcomes and lower recidivism rates;

(e) Children of inmates who are able to visit their imprisoned parents have increased cognitive skills, improved academic self-esteem, greater self-control and change schools much less often;

(f) To mitigate the collateral impact on families and children, the Department of Corrections should consider the location of family;

(g) Nationally, approximately two thousand (2,000) women give birth while incarcerated each year;

(h) Prenatal care significantly improves outcomes for pregnant women and infants;

(i) Participation in post-delivery mother-infant residency or nursery programs is associated with lower recidivism rates, reduced risk of babies entering foster care, and improved odds that mothers and their babies will remain together after the mother's period of incarceration;

(j) Use of restrictive housing and restraints on incarcerated pregnant women may be extremely dangerous to the health of mothers, fetuses and infants; and

(k) Nationally, eighty-six percent (86%) of women in prison were victims of sexual assault prior to entering the prison system.

SECTION 3. Definitions. (a) "Restraints" means any physical or mechanical device used to restrict or control the movement of a prisoner's body, limbs, or both.

(b) "Body cavity searches" means invasive searches on inmates, conducted by facility employees in search of contraband.

(c) "Flight risk" means an inmate who has shown the desire to escape the facility.

(d) "Restrictive housing" means any type of detention that involves:

(i) Removal from the general inmate population, whether voluntary or involuntary; and

(ii) Inability to leave a room or cell for the vast majority of the day.

(e) "Postpartum recovery" means the eight-week period, or longer as determined by the healthcare professional responsible for the health and safety of the prisoner.

(f) "Menstrual hygiene products" means products that women use during their menstrual cycle. This includes tampons, sanitary napkins and menstrual cups.

(g) "Indigent" means an inmate who has less than an average of Sixteen Dollars ($16.00) in her prison account.

(h) "Correctional facility employee" refers to anyone who is employed by the facility or the Department of Corrections.

(i) "State of undress" refers to a state where a female is partially or fully naked, either in the shower, toilet areas, a medical examination room or having a body cavity search conducted.

SECTION 4. Care for incarcerated women related to pregnancy and childbirth. (1) Upon notification and/or diagnosis of an inmate's pregnancy, and for the duration of the pregnancy, and for thirty (30) days following the inmate's delivery, the Department of Corrections and/or a correctional facility employee shall not apply the following restraints on the pregnant inmate unless a correctional facility employee has a reasonable belief that the inmate will harm herself, the fetus, or any other person, or pose a substantial flight risk:

(a) Leg restraints.

(b) Handcuffs or other wrist restraints, except to restrain the inmate's wrists in front of her.

(c) No restraints connected to other inmates.

(2) No restraints shall be used on any pregnant inmate while in labor or during delivery unless a correctional facility employee has a reasonable belief that the inmate will harm herself, the fetus, or any other person, or pose a substantial flight risk. In such case, the correctional facility employee

ordering use of restraints on any female inmate while in labor or during delivery shall submit a written report to the warden of the facility within seventy-two (72) hours following the use of restraints, containing the justification for restraining the female inmate during labor and delivery.

(3) No facility employee of the Department of Corrections, other than a certified healthcare professional, shall conduct invasive body cavity searches of pregnant inmates unless the correctional facility employee has a reasonable belief that the female inmate is concealing contraband. In such case, the correctional facility employee shall submit a written report to the warden of the facility within seventy-two (72) hours following the invasive search, containing the justification for the invasive search and what contraband, if any was recovered.

(4) The Department of Corrections shall ensure that pregnant inmates be provided sufficient food and dietary supplements as ordered by a physician, physician staff member, or a facility nutritionist to meet general accepted prenatal nutritional guidelines for pregnant women.

(5) The Department of Corrections shall not place any pregnant inmate, or any female inmate who has given birth within the previous thirty (30) days, in restrictive housing unless a correctional facility employee has a reasonable belief that the inmate will harm herself, the fetus or any other person, or pose a substantial flight risk. In such case, the correctional facility

employee authorizing the placement of the inmate in restrictive housing shall submit a written report to the warden of the facility within seventy-two (72) hours following the transfer, containing the justification for confining the female inmate in restrictive housing.

(6) The Department of Corrections shall not assign any pregnant inmate to any bed that is elevated more than three (3) feet from the floor of the facility.

(7) The warden of the facility shall compile a monthly summary of all written reports received pursuant to Section (4) subsections (2), (3) and (5) of this act and under Section 5 (1) of this act. The warden shall submit the summary to the Commissioner of the Department of Corrections each month.

SECTION 5. Inmate postpartum recovery. (1) No restraints shall be used on any female inmate who has given birth within the last thirty (30) days and is in postpartum recovery, unless the Department of Corrections has a reasonable belief that the female inmate will harm herself, her newborn, or any other person, or pose a substantial flight risk. In such case, the facility employee ordering use of restraints on any inmate while in postpartum recovery shall submit a written report to the warden of the facility within seventy-two (72) hours following the use of restraints, containing the justification for restraining the female inmate during postpartum recovery.

(2) Following the delivery of a newborn, by an inmate, the Department of Corrections shall permit the newborn to remain with the mother for seventy-two (72) hours unless the medical provider has a reasonable belief that remaining with the mother poses a health or safety risk to the newborn.

(3) During that time, the Department of Corrections shall make available the necessary nutritional and hygiene products, including diapers, to care for the newborn.

(4) If the female inmate qualifies as indigent, such products shall be provided without cost to the inmate.

SECTION 6. Family considerations in inmate placement and visitation. (1) To the greatest extent practicable, after accounting for security and capacity factors, the Department of Corrections shall place inmates who are parents of minor children within two hundred fifty (250) miles of their permanent address of record.

(2) The Department of Corrections shall promulgate regulations authorizing visitation of inmates who are parents of minor children with low or minimum security classifications by minor dependents, with the minimum following requirements:

(a) Opportunities for dependent children under the age of eighteen (18) to visit their incarcerated parent at least twice per week unless a correctional facility employee has a reasonable belief that the dependent child:

(i) May be harmed during visitation; or

(ii) Poses a security risk due to a gang affiliation, prior conviction or past violation of facility contraband policy.

(b) Eliminating restrictions on the number of dependent children under the age of eighteen (18) that may be permitted visitation privileges.

(c) Authorizing contact visits for inmates who are parents of minor children.

SECTION 7. Inspections by employees of the Department of Corrections. (1) To the greatest extent practicable, and consistent with safety and order, the Commissioner of the Department of Corrections shall issue regulations that limit inspections by male correctional officers where a female inmate is in a state of undress.

Nothing in this section shall limit the ability of a male correctional officer from conducting inspections where a female may be in a state of undress if no female correctional officers are available.

(2) In such case that a male correctional officer deems it is appropriate to conduct an inspection or search while the female inmate is in a clear state of undress in an area such as the shower, the medical examination room, toilet areas or where a female inmate is having a body cavity search, the male correctional officer shall submit a written report to the warden of the facility within seventy-two (72) hours following the

inspection or search, containing the justification for a male correctional officer to inspect the female inmate while in a state of undress.

SECTION 8. Access to feminine hygiene products. The Department of Corrections shall ensure that sufficient personal hygiene products are available at each facility for all incarcerated women.

SECTION 9. Training and technical assistance. (1) The Department of Corrections shall develop and provide to all correctional facility employees and correctional officers who have contact with pregnant inmates training related to the physical and mental health of pregnant inmates and fetuses, including the following:

(a) General care of pregnant women;

(b) The impact of restraints on pregnant inmates and fetuses;

(c) The impact of being placed in restrictive housing on pregnant inmates; and

(d) The impact of invasive searches on pregnant inmates.

(2) The Department of Corrections shall develop and provide educational programming for pregnant inmates related to:

(a) Prenatal care;

(b) Pregnancy-specific hygiene;

(c) Parenting skills;

(d) The impact of alcohol and drugs on the fetus; and

(e) General health of child.

SECTION 10. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 356

Description: Child abuse; expand immunity for good faith reports.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Judiciary B
2	02/01	(H) Title Suff Do Pass
3	02/10	(H) Passed {Vote}
4	02/11	(H) Transmitted To Senate
5	02/18	(S) Referred To Judiciary, Division A
6	03/02	(S) Title Suff Do Pass As Amended
7	03/08	(S) Amended
8	03/08	(S) Passed As Amended {Vote}
9	03/08	(S) Motion to Reconsider Entered
10	03/11	(S) Motion to Reconsider Tabled
11	03/11	(S) Returned For Concurrence
12	03/16	(H) Decline to Concur/Invite Conf
13	03/22	(H) Conferees Named Bain,Miles,McLean
14	03/23	(S) Conferees Named Wiggins,Parker,Branning
15	03/26	(S) Conference Report Filed
16	03/26	(H) Conference Report Filed
17	03/27	(H) Recommitted For Further Conf
18	03/27	(S) Conference Report Adopted {Vote}
19	03/27	(S) Motion to Reconsider Entered
20	03/27	(S) Recommitted For Further Conf
21	03/27	(S) Conference Report Filed
22	03/27	(H) Conference Report Filed
23	03/29	(H) Conference Report Adopted {Vote}
24	03/29	(S) Conference Report Adopted {Vote}
25	04/01	(H) Enrolled Bill Signed
26	04/01	(S) Enrolled Bill Signed
27	04/16	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 356
Conference Reports:
Conference Report
| Conference Report # 2

Code Section: A 043-0021-0355, A 043-0015-0051

----- Additional Information -----

House Committee: Judiciary B
Senate Committee: Judiciary, Division A

Principal Author: Mims

Title: AN ACT TO AMEND SECTION 43-21-355, MISSISSIPPI CODE OF 1972, TO EXPAND THE IMMUNITY FOR MAKING GOOD FAITH REPORTS OF CHILD ABUSE OR NEGLECT TO INCLUDE PERSONS WHO PARTICIPATE IN AN INVESTIGATION, EVALUATION OR JUDICIAL PROCEEDING RESULTING FROM THE REPORT; TO AMEND SECTION 43-15-51, MISSISSIPPI CODE OF 1972, TO PROVIDE A LIMITED IMMUNITY FROM CIVIL LIABILITY TO CHILD ADVOCACY CENTERS AND MULTIDISCIPLINARY TEAM MEMBERS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Mims To: Judiciary B

HOUSE BILL NO. 356
(As Sent to Governor)

AN ACT TO AMEND SECTION 43-21-355, MISSISSIPPI CODE OF 1972, TO EXPAND THE IMMUNITY FOR MAKING GOOD FAITH REPORTS OF CHILD ABUSE OR NEGLECT TO INCLUDE PERSONS WHO PARTICIPATE IN AN INVESTIGATION, EVALUATION OR JUDICIAL PROCEEDING RESULTING FROM THE REPORT; TO AMEND SECTION 43-15-51, MISSISSIPPI CODE OF 1972, TO PROVIDE A LIMITED IMMUNITY FROM CIVIL LIABILITY TO CHILD ADVOCACY CENTERS AND MULTIDISCIPLINARY TEAM MEMBERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-21-355, Mississippi Code of 1972, is amended as follows:

43-21-355. Any attorney, physician, dentist, intern, resident, nurse, psychologist, social worker, family protection worker, family protection specialist, child caregiver, minister, law enforcement officer, school attendance officer, public school district employee, nonpublic school employee, licensed professional counselor or any other person participating in the making of a required report pursuant to Section 43-21-353 or participating in * * * an investigation, evaluation or judicial proceeding resulting * * * from the report shall be presumed to be acting in good faith. Any person or institution reporting or

participating in an investigation, evaluation or judicial proceeding resulting from the report in good faith shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

SECTION 2. Section 43-15-51, Mississippi Code of 1972, is amended as follows:

43-15-51. (1) The district attorneys, the Department of Human Services or the Department of Child Protection Services may initiate formal cooperative agreements with the appropriate agencies to create multidisciplinary child protection teams in order to implement a coordinated multidisciplinary team approach to intervention in reports involving alleged commercial sexual exploitation, human trafficking, or severe or potential felony child physical or sexual abuse, exploitation, or maltreatment. The multidisciplinary team also may be known as a child abuse task force. The purpose of the team or task force shall be to assist in the evaluation and investigation of reports and to provide consultation and coordination for agencies involved in child protection cases. The agencies to be included as members of the multidisciplinary team are: the district attorney's office, city and county law enforcement agencies, county attorneys, youth court prosecutors, the Human Trafficking Coordinator or his or her designee and other agencies as appropriate. The Department of Child Protection Services shall be included as a member of the

multidisciplinary team if the department does not initiate creation of the team.

(2) Except as otherwise provided in Section 43-26-3, to implement the multidisciplinary child abuse team, the team or task force must be authorized by court order from the appropriate youth court. The court order will designate which agencies will participate in the cooperative multidisciplinary team.

(3) (a) Teams created under this section may invite other persons to serve on the team who have knowledge of and experience in child abuse and neglect and commercial sexual exploitation and human trafficking matters. These persons may include licensed mental and physical health practitioners and physicians, dentists, representatives of the district attorney's office and the Attorney General's office, experts in the assessment and treatment of substance abuse or sexual abuse, the victim assistance coordinator of the district attorney's office, staff members of a child advocacy center, sexual assault nurse examiners and experts in providing services to commercial sexual exploitation and human trafficking victims. For purposes of this paragraph, the term "sexual assault nurse examiner" means a registered nurse who has received a documented forty (40) hours of training as a sexual assault nurse examiner.

(b) (i) A child advocacy center means an agency that advocates on behalf of children alleged to have been abused and assists in the coordination of the investigation of child abuse by

providing a location for forensic interviews and promoting the coordination of services for children alleged to have been abused. A child advocacy center provides services that include, but are not limited to, forensic medical examinations, mental health and related support services, court advocacy, consultation, training for social workers, law enforcement training, and child abuse multidisciplinary teams, and staffing of multidisciplinary teams.

(ii) Child advocacy centers may provide a video-taped forensic interview of the child in a child friendly environment or separate building. The purpose of the video-taped forensic interview is to prevent further trauma to a child in the investigation and prosecution of child physical and sexual abuse cases. Child advocacy centers can also assist child victims by providing therapeutic counseling subsequent to the interview by a qualified therapist. Child advocacy centers can also assist law enforcement and prosecutors by acquainting child victim witnesses and their parents or guardians to the courtroom through child court school programs.

(4) A team or task force created under this section shall review records on cases referred to the team by the Department of Child Protection Services or law enforcement or the district attorney's office. The team shall meet at least monthly.

(5) No person shall disclose information obtained from a meeting of the multidisciplinary team unless necessary to comply with the Department of Child Protection Services regulations or

conduct and proceeding in youth court or criminal court proceedings or as authorized by a court of competent jurisdiction.

(6) A child advocacy center or a member of the multidisciplinary team is not liable for civil damages while acting within the scope of official team duties if the center or member, in good faith, refers a report of alleged child abuse for investigation, conducts an investigation, makes an investigative judgment or disposition, or releases or uses information for the purpose of protecting a child. The limitation of civil liability does not apply if a child advocacy center or multidisciplinary team member is not acting in good faith. The limitation of liability provided by this subsection for a child advocacy center or member of the multidisciplinary team, shall only apply when the child advocacy center or the member is acting on behalf of or within the scope of duties for the multidisciplinary team as described in this section.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 359

Description: Municipalities with a certain population; allow to establish overdue water/sewer programs.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Two/Thirds
Effective date: Passage

History of Actions:

1	01/18	(H)	Referred To Municipalities
2	01/28	(H)	Title Suff Do Pass Comm Sub
3	02/10	(H)	Read the Third Time
4	02/11	(H)	Committee Substitute Adopted
5	02/11	(H)	Amended
6	02/11	(H)	Passed As Amended {Vote}
7	02/12	(H)	Transmitted To Senate
8	02/17	(S)	Referred To Accountability, Efficiency, Transparency
9	03/02	(S)	Title Suff Do Pass As Amended
10	03/10	(S)	Amended
11	03/10	(S)	Passed As Amended {Vote}
12	03/12	(S)	Returned For Concurrence
13	03/17	(H)	Decline to Concur/Invite Conf
14	03/22	(H)	Conferees Named Rushing,Crudup,Stamps
15	03/25	(S)	Conferees Named Polk,Blount,Thompson
16	03/26	(S)	Conference Report Filed
17	03/26	(H)	Conference Report Filed
18	03/28	(H)	Conference Report Adopted {Vote}
19	03/28	(S)	Conference Report Adopted {Vote}
20	03/30	(H)	Enrolled Bill Signed
21	03/30	(S)	Enrolled Bill Signed
22	04/18		Law W/out Governor's Signature

Amendments:

[H] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 to Committee Amendment No 1 ***Adopted*** Voice Vote

Amendment Report for House Bill No. 359
Conference Reports:
| Conference Report

Code Section: A 031-0019-0027, A 031-0019-0029

----- Additional Information -----

House Committee: Municipalities
Senate Committee: Accountability, Efficiency, Transparency

Principal Author: Bell (65th)
Additional Authors: Brown (70th), Crudup, Yates, Stamps, Gibbs (72nd), Holloway

Title: AN ACT TO ALLOW CERTAIN MUNICIPALITIES TO ADOPT RULES AND PROCEDURES AUTHORIZING ACCOUNTING SYSTEM ACCOMMODATION OF CERTAIN UNCOLLECTIBLE INDEBTEDNESS OWED BY A CUSTOMER FOR WATER AND SEWER SERVICES; TO AMEND SECTIONS 31-19-27 AND 31-19-29, MISSISSIPPI CODE OF 1972, DEALING WITH DOUBTFUL CLAIMS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Bell (65th), Brown (70th), Crudup, Yates, Stamps, Gibbs (72nd), Holloway

To: Municipalities

HOUSE BILL NO. 359
(As Sent to Governor)

AN ACT TO ALLOW CERTAIN MUNICIPALITIES TO ADOPT RULES AND PROCEDURES AUTHORIZING ACCOUNTING SYSTEM ACCOMMODATION OF CERTAIN UNCOLLECTIBLE INDEBTEDNESS OWED BY A CUSTOMER FOR WATER AND SEWER SERVICES; TO AMEND SECTIONS 31-19-27 AND 31-19-29, MISSISSIPPI CODE OF 1972, DEALING WITH DOUBTFUL CLAIMS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) A municipality having a population of one hundred fifty thousand (150,000) as of the most recent decennial census or more may institute a program to address certain disputed or delinquent water and sewer customer accounts. The municipality must adopt rules and procedures to implement the program if instituted. Such rules may consider the customer's ability to pay the full amount of the disputed or delinquent claim. In order for the program to take effect, the mayor of the municipality, the Municipal Director of Public Works, and Executive Director of the the Mississippi Public Utilities Staff shall mutually approve such rules and procedures by July 1, 2021. The rules and procedures shall include, but not be limited to, an itemized summary of the amount and number of all accounts judged to be disputed or

delinquent. The municipality's authority to compromise doubtful claims is limited to the following cases:

(a) (i) Instances of error on the part of the municipality such as equipment failure, process failure or billing failure;

(ii) Instances of error on the part of the municipality due to unforeseen circumstance such as damage, extreme weather-related event, declared disaster or emergency, or mandatory evacuation, but only to the extent the customer did not receive the benefit of the water or sewer service; and

(b) Instances where the customer's ability to pay or the amount of the customer's overdue balance for water and sewer service can be reasonably adjudged to be uncollectible, in which case the municipality may utilize an installment payment agreement to allow the customer additional time to pay a prescribed portion of the outstanding balance, and as part of the installment payment plan, to offer the utilization by the municipality of accounting procedures to move the remaining balance as an uncollectible debt to a special municipal accounting category of uncollectible or inactive accounts as outlined in the program rules if the customer fulfills all terms of the installment plan. The prescribed portion must require some payment by the customer. The program must provide that the accounting adjustments under this paragraph (b) do not result in forgiveness of uncollectible debts.

(2) The municipality may set program parameters to take into account the principle of collateral estoppel as to its own prior service, billing or collection actions.

(3) Any utility that participates in the program shall provide by January 1, 2022, to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and Mississippi Public Utilities Staff a report that details the utility's revenue collection, the number of accounts that have been adjudged uncollectable, the number of accounts that are participating in the installment payment plans, the number of accounts that are overdue, and the effect of the program on the utility's revenue collection. Such report shall also include the utility's plan to address any remaining disputed or delinquent claims that have not been resolved, to provide fair and accurate bills to all of its customers, and to reduce equipment failure, process failure, and billing failures in the future.

(4) For the purpose of this section, the Executive Director of the Mississippi Public Utilities Staff may enter into professional services contracts to ensure the success of the program. The municipally-owned utility shall reimburse the Mississippi Public Utilities Staff for such contracts, not to exceed Two Hundred Thousand Dollars ($200,000.00) over the duration of the program.

(5) This section shall stand repealed on July 1, 2022.

SECTION 2. Section 31-19-27, Mississippi Code of 1972, is amended as follows:

31-19-27. A doubtful claim of the state, or of the county, city, town, village, or levee board is one for which judgment has been rendered and for the collection of which the ordinary process of law has been ineffectual; debts due by drainage districts or other taxing districts or sinking funds to counties under the Rehabilitation Act of 1928, being Chapter 88 * * *, Laws of 1928, and Chapter 16 of the Acts of the Special Session of 1931; those debts due counties by drainage districts, which the Reconstruction Finance Corporation has heretofore refused to refinance; those debts due a municipal utility system as authorized under Section 1 of this act; debts due for sixteenth section township school fund loans made to churches, where the board of supervisors finds that the value of the security given therefor is insufficient or inadequate to pay or satisfy the principal and interest of said loan, and when the church repays the principal of said loan; and debts due by counties and townships to drainage districts for drainage district assessments or taxes levied and assessed upon sixteenth section lands.

SECTION 3. Section 31-19-29, Mississippi Code of 1972, is amended as follows:

31-19-29. The Governor, on the advice of the Attorney General or * * * the Commissioner of Revenue at the State Department of Revenue, may, upon application of the defendant or

debtor proposing a compromise, settle and compromise any doubtful claim of the state, or of any county, city, town, or village, or of any levee board against such defendant or debtor, upon such terms as he may deem proper, the board of supervisors in the case of a county, and the municipal authorities in the case of a city, town or village, and the levee board in the case of a claim of a levee board, concurring therein. The Governor, upon application of a drainage district having obligations outstanding to a county under the provisions of Chapter 88, Laws of 1928, and Chapter 16, Laws of the Extraordinary Session of 1931, or obligations which the Reconstruction Finance Corporation has heretofore refused to refinance, may settle and compromise any claim, debt or obligation that said drainage district may owe any county in the State of Mississippi for money loaned said district under the provisions of said Chapter 88, Laws of 1928, or any other claim, debt or obligation that said drainage district may owe the county which the Reconstruction Finance Corporation has heretofore refused to finance, if the board of supervisors of said county concurs in the application of the drainage district. A municipality may compromise a debt owed for water and sewer service only as provided in Section 1 of this act. The Governor, upon application by the board of supervisors for any taxing districts of said county or sinking funds of said county under the control and supervision of said board of supervisors having obligations outstanding and due to said county under the provisions of Chapter

88, Laws of 1928, and Chapter 16, Laws of the Extraordinary Session of 1931, may settle and compromise any claim, debt, or obligation that said taxing districts or sinking funds may owe said county for money loaned said taxing districts or sinking funds under the provisions of said Chapter 88, Laws of 1928; and provided that the Governor, on the advice of the Attorney General, and upon application of a church owing a sixteenth section township school fund loan, may settle and compromise such debt or obligation if the board of supervisors of the said county concurs in the application of the said church. The Governor may, on the advice of the Attorney General, in like manner compromise and settle a claim of a drainage district for unpaid assessments or taxes upon sixteenth section lands upon application of the board of supervisors wherein such sixteenth section is situated, if the commissioners of the drainage district concur therein.

SECTION 4. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 374

Description: Distinctive motor vehicle license tag; authorize for supporters of various organizations.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	01/19	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/22	(S) Referred To Finance
6	03/02	(S) Title Suff Do Pass As Amended
7	03/03	(S) Amended
8	03/03	(S) Passed As Amended {Vote}
9	03/04	(S) Returned For Concurrence
10	03/17	(H) Decline to Concur/Invite Conf
11	03/23	(H) Conferees Named Lamar,Zuber,Aguirre
12	03/24	(S) Conferees Named Harkins,Horhn,Whaley
13	03/29	(S) Conference Report Filed
14	03/29	(H) Conference Report Filed
15	03/30	(S) Conference Report Adopted {Vote}
16	03/30	(H) Conference Report Adopted {Vote}
17	04/01	(H) Enrolled Bill Signed
18	04/01	(S) Enrolled Bill Signed
19	04/16	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 374

Conference Reports:

| Conference Report

Code Section: A 027-0019-0056.524, A 027-0019-0056.5, A 027-0019-0053, A 027-0051-0041, A 027-0019-0056.490, A 027-0019-0056.415

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Zuber

Title: AN ACT TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF MISSISSIPPI THEATRE ASSOCIATION, INC.; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF 82 STRONG; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF SIGMA GAMMA RHO SORORITY; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF INDIANOLA ACADEMY; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF HUMPHREYS COUNTY HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF DESERT OF MISSISSIPPI SHRINERS AND DAUGHTERS AEAONMS, PHA; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE CHILDREN'S TUMOR FOUNDATION; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SERVING AND RETIRED JUDGES IN THE FEDERAL AND STATE COURT SYSTEMS; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF WILDLIFE MISSISSIPPI, CEDARHILL ANIMAL SANCTUARY, THE SOUTH PIKE SCHOOL DISTRICT, THE PICAYUNE MAROON TIDE TOUCHDOWN CLUB, THE MISSISSIPPI WILDLIFE FEDERATION AND THE FOUNDATION FOR MORAL LAW; TO PRESCRIBE AN ADDITIONAL FEE FOR THE ISSUANCE OF SUCH LICENSE TAGS; TO PROVIDE FOR THE DISTRIBUTION OF THE ADDITIONAL FEE COLLECTED FROM THE ISSUANCE OF SUCH LICENSE TAGS; TO AMEND SECTION 27-19-56.524, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO PERSONS WHO ARE HONORABLY DISCHARGED VETERANS WHO SERVED IN THE UNITED STATES ARMED FORCES IN OPERATION DESERT STORM OR OPERATION DESERT SHIELD; TO AMEND SECTION 27-19-56.5, MISSISSIPPI CODE OF 1972, TO INCREASE THE NUMBER OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS THAT MAY BE ISSUED TO A PERSON IDENTIFYING SUCH PERSON AS A RECIPIENT OF THE PURPLE HEART MEDAL; TO AMEND SECTION 27-19-53, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO PERSONS WHO ARE VETERANS OF THE ARMED FORCES OF THE UNITED STATES AND RATED AS HAVING ONE HUNDRED PERCENT PERMANENT SERVICE-CONNECTED DISABILITY, TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTORCYCLE LICENSE TAGS TO SUCH PERSONS; TO PROVIDE THAT A MOTORCYCLE FOR WHICH A DISTINCTIVE MOTORCYCLE TAG IS ISSUED SHALL BE EXEMPT FROM AD VALOREM AND PRIVILEGE TAXES; TO AMEND SECTION 27-51-41, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION 27-19-56.490, MISSISSIPPI CODE OF 1972, TO DESIGNATE THE MISSISSIPPI STATE FLAG

AS THE FLAG TO BE FEATURED ON THE DISTINCTIVE MOTOR VEHICLE LICENSE TAG ISSUED FOR THE BENEFIT OF THE MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY FOR THE OPERATION AND MAINTENANCE OF THE MISSISSIPPI MUSEUM OF HISTORY AND THE MISSISSIPPI CIVIL RIGHTS MUSEUM; TO AMEND SECTION 27-19-56.415, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF GRAMMY® MUSEUM MISSISSIPPI; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Zuber To: Ways and Means

HOUSE BILL NO. 374
(As Sent to Governor)

AN ACT TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF MISSISSIPPI THEATRE ASSOCIATION, INC.; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF 82 STRONG; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF SIGMA GAMMA RHO SORORITY; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF INDIANOLA ACADEMY; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF HUMPHREYS COUNTY HIGH SCHOOL; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF DESERT OF MISSISSIPPI SHRINERS AND DAUGHTERS AEAONMS, PHA; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF THE CHILDREN'S TUMOR FOUNDATION; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SERVING AND RETIRED JUDGES IN THE FEDERAL AND STATE COURT SYSTEMS; TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF WILDLIFE MISSISSIPPI, CEDARHILL ANIMAL SANCTUARY, THE SOUTH PIKE SCHOOL DISTRICT, THE PICAYUNE MAROON TIDE TOUCHDOWN CLUB, THE MISSISSIPPI WILDLIFE FEDERATION AND THE FOUNDATION FOR MORAL LAW; TO PRESCRIBE AN ADDITIONAL FEE FOR THE ISSUANCE OF SUCH LICENSE TAGS; TO PROVIDE FOR THE DISTRIBUTION OF THE ADDITIONAL FEE COLLECTED FROM THE ISSUANCE OF SUCH LICENSE TAGS; TO AMEND SECTION 27-19-56.524, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO PERSONS WHO ARE HONORABLY DISCHARGED VETERANS WHO SERVED IN THE UNITED STATES ARMED FORCES IN OPERATION DESERT STORM OR OPERATION DESERT SHIELD; TO AMEND SECTION 27-19-56.5, MISSISSIPPI CODE OF 1972, TO INCREASE THE NUMBER OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS THAT MAY BE ISSUED TO A PERSON IDENTIFYING SUCH PERSON AS A RECIPIENT OF THE PURPLE HEART MEDAL; TO AMEND SECTION 27-19-53, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO PERSONS WHO ARE VETERANS OF THE ARMED FORCES OF THE UNITED STATES AND RATED AS HAVING ONE HUNDRED PERCENT PERMANENT SERVICE-CONNECTED DISABILITY, TO AUTHORIZE THE ISSUANCE

OF DISTINCTIVE MOTORCYCLE LICENSE TAGS TO SUCH PERSONS; TO PROVIDE THAT A MOTORCYCLE FOR WHICH A DISTINCTIVE MOTORCYCLE TAG IS ISSUED SHALL BE EXEMPT FROM AD VALOREM AND PRIVILEGE TAXES; TO AMEND SECTION 27-51-41, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION 27-19-56.490, MISSISSIPPI CODE OF 1972, TO DESIGNATE THE MISSISSIPPI STATE FLAG AS THE FLAG TO BE FEATURED ON THE DISTINCTIVE MOTOR VEHICLE LICENSE TAG ISSUED FOR THE BENEFIT OF THE MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY FOR THE OPERATION AND MAINTENANCE OF THE MISSISSIPPI MUSEUM OF HISTORY AND THE MISSISSIPPI CIVIL RIGHTS MUSEUM; TO AMEND SECTION 27-19-56.415, MISSISSIPPI CODE OF 1972, TO REAUTHORIZE THE ISSUANCE OF DISTINCTIVE MOTOR VEHICLE LICENSE TAGS TO SUPPORTERS OF GRAMMY® MUSEUM MISSISSIPPI; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Mississippi Theatre Association, Inc. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Executive Director of Mississippi Theatre Association, Inc., may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less

Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2021, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this

section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Mississippi Theatre Association, Inc.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section,

which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 2. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of 82 Strong. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of 82 Strong, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2021, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each

month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to 82 Strong.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under

this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 3. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Indianola Academy. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the principal of Indianola Academy,

may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2021, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to North Yalobusha Charities, Inc.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under

this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 4. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Humphreys County High School. The distinctive

license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the principal of Humphreys County High School, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2021, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive

license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to North Yalobusha Charities, Inc.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 5. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of

an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Sigma Gamma Rho Sorority. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of Sigma Gamma Rho Sorority, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2021, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the

time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty Dollars and Forty Cents ($20.40) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Sigma Gamma Rho Sorority Scholarship Fund.

(b) Three Dollars and Sixty Cents ($3.60) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Mississippi Association of Educators.

(c) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(d) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(e) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be

distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 6. (1) Beginning with any registration year commencing on or after July 1, 2021, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Desert of Mississippi Shriners and Daughters AEAONMS, PHA. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of Desert of Mississippi Shriners and Daughters AEAONMS, PHA, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional

fee retained by the tax collector shall be deposited into the county general fund.

(3) Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Fifty Dollars ($50.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Forty-four Dollars ($44.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Desert of Mississippi Shriners and Daughters AEAONMS, PHA.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license

tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 7. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Children's Tumor Foundation. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Children's Tumor Foundation, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector,

shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2021, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Children's Tumor Foundation.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 8. (1) Any owner of a motor vehicle who is a serving or retired judge of the federal or state court system in this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag bearing the word "judiciary" for any motor vehicle registered in his name. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Supreme Court, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2021, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each

month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Judicial System Operation Fund created in Section 9-21-45.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the

tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 9. (1) Beginning with any registration year commencing on or after July 1, 2021, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Wildlife Mississippi. The distinctive license tags

so issued shall be of such color and design as the Department of Revenue, with the advice of Wildlife Mississippi, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2021, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive

license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Wildlife Mississippi.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 10. (1) Beginning with any registration year commencing on or after July 1, 2021, any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this

section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of Cedarhill Animal Sanctuary in Caledonia, Mississippi. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of Cedarhill Animal Sanctuary, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2021, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the

time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to Cedarhill Animal Sanctuary.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 11. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as

prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the South Pike School District. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the South Pike School District, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2021, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all

other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the South Pike School District.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this

section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 12. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Picayune Maroon Tide Touchdown Club. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Picayune Maroon Tide Touchdown Club, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2021, any person applying for a distinctive license

tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Picayune Maroon Tide Touchdown Club.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall

be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and

deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 13. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Mississippi Wildlife Federation. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Wildlife Federation, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional

fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2021, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this

section shall be distributed to the Mississippi Wildlife Federation.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and

affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 14. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for any motor vehicle registered in his name identifying such person as a supporter of the Foundation for Moral Law. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the Foundation for Moral Law, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less

Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2021, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this

section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be distributed to the Foundation for Moral Law.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section,

which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

SECTION 15. Section 27-19-56.524, Mississippi Code of 1972, is amended as follows:

27-19-56.524. (1) (a) In recognition of the patriotic service rendered by Mississippians who are honorably discharged veterans who served in the United States Armed Forces, any such person is privileged to obtain distinctive motor vehicle license plates or tags for each motor vehicle registered in his name identifying his status as a veteran. The distinctive plates or tags shall be of a color and design designated by the Department of Revenue with concurrence by the Mississippi Veterans Affairs.

(b) (i) The distinctive license plates shall be prepared by the Department of Revenue and shall be issued through the tax collectors of the counties in the same manner as are other

motor vehicle license plates or tags. An additional annual tag fee of Thirty Dollars ($30.00) shall be collected by the tax collector for such license plates or tags and shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The additional fee is due and payable at the time the original application is made for a distinctive tag under this subsection (1) and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. The Department of Revenue shall deposit such fee to the credit of a fund to be administered by the board of the Mississippi Veterans Affairs for the support of indigent veterans who are residents of the state veterans homes and the support of the operations of the state veterans homes and cemeteries.

(ii) A person issued a distinctive plate or tag under Section 27-19-56.12 before July 8, 2020, may renew the plate under this subsection (1) in the manner provided for the issuance and renewal of a distinctive plate or tag under this subsection (1). However, the person shall not be required to provide the written evidence required in paragraph (c) of this subsection (1). The additional fee collected from the renewal of such a distinctive plate shall be distributed in the manner provided in this subsection (1).

(c) An applicant for such distinctive plates shall present to the issuing official written evidence of the veteran's service. Such evidence shall include a copy of the applicant's

DD-214 form, a Report of Separation from Military Service, a military discharge document, or a written certification of military service from the Mississippi Veterans Affairs. The distinctive license plates or tags so issued shall be used only upon a personally or jointly owned private passenger vehicle (to include station wagons, recreational motor vehicles and pickup trucks) registered in the name, or jointly in the name, of the person making application therefor, and when issued to such person shall be used upon the vehicle for which issued in lieu of the standard license plate or license tag normally issued for such vehicle.

(d) The distinctive license plates shall not be transferable between motor vehicle owners; and in the event the owner of a vehicle bearing a distinctive plate shall sell, trade, exchange or otherwise dispose of the vehicle, such plate shall be retained by such owner and returned to the tax collector.

(2) (a) (i) In recognition of the patriotic services rendered by Mississippians who are recipients of the Bronze Star, any such person, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in paragraph (c) of this subsection (2), shall be

privileged to obtain one (1) distinctive motor vehicle license plate or tag for each motor vehicle registered in his name identifying him as a recipient of the Bronze Star.

(ii) A person who is privileged to obtain a distinctive motor vehicle license plate or tag identifying such person as a recipient of the Bronze Star and who is eligible to obtain a special license plate under Section 27-19-56 is privileged to obtain one (1) distinctive motor vehicle license plate or tag bearing the International Symbol of Access adopted by Rehabilitation International in 1969 at its Eleventh World Congress on Rehabilitation of the disabled and identifying such person as a recipient of the Bronze Star.

(iii) Except as otherwise provided in subparagraph (ii) of this paragraph (a), the tags shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Veterans Affairs, shall prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(b) Application for the distinctive license tags shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for such distinctive license tags shall present to the issuing official written proof that the applicant is a recipient of the Bronze Star; however, if the person is applying for a distinctive tag pursuant to paragraph (a)(ii) of this subsection (2), the applicant shall also meet the

requirements of Section 27-19-56. The application and the additional fee, less Two Dollars ($2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(c) (i) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this subsection (2) shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this subsection (2), which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this subsection (2) and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(ii) A person issued a distinctive plate or tag under Section 27-19-56.62 before July 8, 2020, may renew the plate or tag under this subsection (2) in the manner provided for the issuance and renewal of a distinctive plate or tag under this subsection (2). The person shall not be required to provide the

written proof required in paragraph (b) of this subsection (2); however, if the person is applying for renewal of a distinctive tag described in paragraph (a)(ii) of this subsection (2), the applicant shall also meet the requirements of Section 27-19-56. The additional fee collected from the renewal of such a distinctive plate or tag shall be distributed in the manner provided in paragraph (d) this subsection (1).

(d) The Department of Revenue shall deposit all fees into the State Treasury on the day received. At the end of each month, the Department of Revenue shall certify the total fees collected under this subsection (2) to the State Treasurer who shall distribute such collections as follows:

(i) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued or renewed under this subsection (2) shall be deposited in the State Treasury to the credit of a special fund to be administered by the board of the Mississippi Veterans Affairs for the support of indigent veterans who are residents of the state veterans homes and the support of the operations of the state veterans homes and cemeteries.

(ii) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (2) shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(iii) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (2) shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(iv) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (2) shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(e) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this subsection (2). The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this subsection (2). The tax collector shall issue up to two (2) license decals for each distinctive license tag issued or renewed under this subsection (2), which will expire the same month and year as the regular license tag.

(f) In the case of loss or theft of a distinctive license tag issued or renewed under this subsection (2), the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and

the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued or renewed under this subsection (2).

(3) (a) In recognition of the patriotic service rendered by Mississippians who are honorably discharged veterans who served in the United States Armed Forces during the Vietnam Conflict and were awarded a Vietnam Service Ribbon, any such person is privileged to obtain distinctive motor vehicle license plates or tags for each motor vehicle registered in his name identifying his status as a Vietnam veteran. The distinctive plates or tags shall be of a color and design designated by the Department of Revenue with concurrence by the Mississippi Veterans Affairs.

(b) (i) The distinctive license plates shall be prepared by the Department of Revenue and shall be issued through the tax collectors of the counties in the same manner as are other motor vehicle license plates or tags. An additional annual tag fee of Thirty Dollars ($30.00) shall be collected by the tax collector for such license plates or tags and shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The additional fee is due and payable at the time the original application is made for a distinctive tag under this subsection (3) and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. The Department of Revenue shall deposit such fee to the credit of a fund to be administered by the board of the

Mississippi Veterans Affairs for the support of indigent veterans who are residents of the state veterans homes and the support of the operations of the state veterans homes and cemeteries.

(ii) A person issued a distinctive plate or tag under Section 27-19-56.85 before July 8, 2020, may renew the plate or tag under this subsection (3) in the manner provided for the issuance and renewal of a distinctive plate or tag under this subsection (3). However, the person shall not be required to provide the written evidence required in paragraph (c) of this subsection (3). The additional fee collected from the renewal of such a distinctive plate shall be distributed in the manner provided in subparagraph (i) of this paragraph (b).

(c) An applicant for such distinctive plates shall present to the issuing official written evidence of the veteran's service. Such evidence shall include a copy of the applicant's DD-214 form, a Report of Separation from Military Service, a military discharge document, or a written certification of military service from the Mississippi Veterans Affairs. The distinctive license plates or tags so issued shall be used only upon a personally or jointly owned private passenger vehicle (to include station wagons, recreational motor vehicles and pickup trucks) registered in the name, or jointly in the name, of the person making application therefor, and when issued to such person shall be used upon the vehicle for which issued in lieu of the

standard license plate or license tag normally issued for such vehicle.

(d) The distinctive license plates shall not be transferable between motor vehicle owners; and in the event the owner of a vehicle bearing a distinctive plate shall sell, trade, exchange or otherwise dispose of the vehicle, such plate shall be retained by such owner and returned to the tax collector.

(4) (a) In recognition of the patriotic service rendered by Mississippians who are veterans of the United States Armed Forces, beginning with any registration year commencing on or after July 1, 2020, any such person is privileged to obtain distinctive motorcycle license plates or tags for each motorcycle registered in his name identifying his status as a veteran. The distinctive plates or tags shall be of a color and design designated by the Department of Revenue with concurrence by the Mississippi Veterans Affairs.

(b) (i) The distinctive license plates shall be prepared by the Department of Revenue and shall be issued through the tax collectors of the counties in the same manner as are other motor vehicle license plates or tags. An additional annual tag fee of Thirty Dollars ($30.00) shall be collected by the tax collector for such license plates or tags and shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The additional fee is due and payable at the time the original application is made for a distinctive tag under this

subsection (4) and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. The Department of Revenue shall deposit such fee to the credit of a fund to be administered by the board of the Mississippi Veterans Affairs for the support of indigent veterans who are residents of the state veteran homes and the support of the operations of the state veterans homes and cemeteries.

(ii) A person issued a distinctive plate or tag under Section 27-19-56.125 before July 8, 2020, may renew the plate or tag under this subsection (4) in the manner provided for the issuance and renewal of a distinctive plate or tag under this subsection (4). However, the person shall not be required to provide the written proof required in paragraph (c) of this subsection (4). The additional fee collected from the renewal of such a distinctive plate shall be distributed in the manner provided in subparagraph (i) of this paragraph (b).

(c) An applicant for the distinctive plates shall present to the issuing official written evidence of the veteran's service. The evidence shall include a copy of the applicant's DD-214 form, a Report of Separation from Military Service, a military discharge document, a written certification of military service from the Mississippi Veterans Affairs or a valid military identification card; however, a distinctive license plate or tag shall not be issued under this subsection (4) to any person who was dishonorably discharged from the United States Armed Forces.

The distinctive license plates or tags so issued shall be used only upon a personally or jointly owned private motorcycle registered in the name, or jointly in the name, of the person making the application, and when issued to the person shall be used upon the motorcycle for which issued in lieu of the standard license plate or license tag normally issued for the motorcycle.

(d) The distinctive license plates shall not be transferable between motorcycle owners; and in the event the owner of a motorcycle bearing a distinctive plate shall sell, trade, exchange or otherwise dispose of the motorcycle, the plate shall be retained by the owner and returned to the tax collector.

(5) (a) There shall be issued beginning July 1, 2020, special motor vehicle license tags honoring the family members of service members who have died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war. The license tag shall be officially designated as the Gold Star license plate.

(b) Except as otherwise provided in this subsection (5), any owner of a motor vehicle who is a resident of this state and a family member of a service member who has died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial

motor vehicles, and upon payment of an additional fee in the amount provided in paragraph (e) of this subsection (5), shall be issued a Gold Star license tag for any motor vehicle registered in his name. The distinctive license tag shall be of such color and design as the Department of Revenue, with the advice of supporters of this license tag, may prescribe; however, the license tag shall bear in a conspicuous place a gold star with blue fringe on a white background with a red border that is the symbol for a fallen service member and shall have the words "Gold Star Family" and the branch of the United States Armed Forces in which the family member served displayed on it.

(c) One (1) Gold Star license tag issued to the mother of the service member who died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war after September 11, 2001, and one (1) Gold Star license tag issued to the unremarried spouse of the service member who died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war after September 11, 2001, shall be exempt from ad valorem taxes, privilege taxes and all other taxes and fees.

(d) Application for the distinctive license tags authorized by this subsection (5) shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (5) of

this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(e) (i) Except as otherwise provided in this subsection (5), beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this subsection (5) shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this subsection (5), which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this subsection (5) and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(ii) A person issued a distinctive tag under Section 27-19-56.162 before July 8, 2020, may renew the tag under this subsection (5) in the manner provided for the issuance and renewal of a distinctive plate or tag under this subsection (5). However, the person shall not be required to provide the

documentation and proof required in paragraph (i) of this subsection (5). The additional fee collected from the renewal of such a distinctive plate shall be distributed in the manner provided in paragraph (f) of this subsection (1).

(f) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this subsection (5) from the issuance or renewal of the distinctive license tags issued or renewed under this subsection (5). The State Treasurer shall distribute such collections as follows:

(i) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (5) shall be deposited to the credit of a fund to be administered by the board of the Mississippi Veterans Affairs for the support of indigent veterans who are residents of the state veterans homes and the support of the operations of the state veterans homes and cemeteries.

(ii) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (5) shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(iii) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (5) shall be deposited to the credit of the

State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(iv) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (5) shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(g) A Gold Star license tag issued pursuant to this subsection (5) may be personalized in the manner provided for in Section 27-19-48 upon payment of the additional fee prescribed in that section.

(h) In order to qualify as a family member, the person must be directly related to the fallen service member as their unremarried spouse, child, stepchild, legal mother or father, sibling related by blood or legal adoption, step-sibling, grandparent, grandchild, aunt, uncle or stepparent who is currently married to the mother or father of the fallen service member.

(i) Whether a service member is deemed to have died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war shall be determined by the classification of death as listed by the United States Department of Defense and may be verified from documentation directly from the Department of Defense or from its subordinate agencies such as the Coast Guard, Reserve or National Guard. A classification of having died while

serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war by the Department of Defense shall be prima facie evidence that the service member died in such manner. Documentation of the fact that the service member died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war and proof of relationship to the service member shall be required by the county tax collector before issuing a Gold Star license plate. The county tax collector may waive the documentation if he or she has actual knowledge of the family relationship and that the service member died while serving on active duty in the Armed Forces of the United States while the United States was involved in hostile activities or a time of war.

(j) The Gold Star license plate shall be issued only to family members of service members that resided in Mississippi at the time of the death of the service member.

(k) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this subsection (5). The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this subsection (5). The tax collector shall issue up to two (2) license decals for each distinctive license tag issued or renewed under this subsection (5), which will expire the same month and year as the regular license tag.

(l) In the case of loss or theft of a distinctive license tag issued or renewed under this subsection (5), the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued or renewed under this subsection (5).

(6) (a) In recognition of the patriotic services rendered by Mississippians who are recipients of the Southwest Asia Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Expeditionary Medal, the Armed Forces Expeditionary Medal or the Inherent Resolve Campaign Medal for service in, or in support of operations in, Iraq, any such person, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in paragraph (c) of this subsection (6), shall be privileged to obtain one (1) distinctive motor vehicle license plate or tag for each motor vehicle

registered in his or her name identifying him or her as an Iraq veteran. The tags shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Veterans Affairs, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(b) Application for the distinctive license tags shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for such distinctive license tags shall present to the issuing official written proof that the applicant is a recipient of the Southwest Asia Service Medal, the Iraq Campaign Medal, the Global War on Terrorism Expeditionary Medal, the Armed Forces Expeditionary Medal or the Inherent Resolve Campaign Medal for service in, or in support of operations in, Iraq. The application and the additional fee, less Two Dollars ($2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(c) (i) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this subsection (6) shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this subsection (6),

which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this subsection (6) and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he or she must surrender it to the local county tax collector.

(ii) A person issued a distinctive plate or tag under Section 27-19-56.186 before July 8, 2020, may renew the plate or tag under this subsection (6) in the manner provided for the issuance and renewal of a distinctive plate or tag under this subsection (6). However, the person shall not be required to provide the written proof required in paragraph (b) of this subsection (6). The additional fee collected from the renewal of such a distinctive plate shall be distributed in the manner provided in paragraph (d) of this subsection (6).

(d) The Department of Revenue shall deposit all fees into the State Treasury on the day received. At the end of each month, the Department of Revenue shall certify the total fees collected under this subsection (6) to the State Treasurer who shall distribute such collections as follows:

(i) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued or renewed under this subsection (6) shall be deposited in the State Treasury to the credit of a special fund to be administered by the board of the Mississippi Veterans Affairs for the support indigent veterans who are residents of the state veterans homes and the support of the operations of the state veterans homes and cemeteries.

(ii) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (6) shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(iii) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (6) shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(iv) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (6) shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(e) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this subsection (6). The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag

under this subsection (6). The tax collector shall issue up to two (2) license decals for each distinctive license tag issued or renewed under this subsection (6), which will expire the same month and year as the regular license tag.

(f) In the case of loss or theft of a distinctive license tag issued or renewed under this subsection (6), the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued or renewed under this subsection (6).

(7) (a) In recognition of the patriotic services rendered by Mississippians who are recipients of the Southwest Asia Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Expeditionary Medal or the Armed Forces Expeditionary Medal for service in, or in support of operations in, Afghanistan, any such person, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles,

and upon payment of an additional annual fee in the amount provided in paragraph (c) of this subsection (7), shall be privileged to obtain one (1) distinctive motor vehicle license plate or tag for each motor vehicle registered in his or her name identifying him or her as an Afghanistan veteran. The tags shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Veterans Affairs, may prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(b) Application for the distinctive license tags shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for such distinctive license tags shall present to the issuing official written proof that the applicant is a recipient of the Southwest Asia Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Expeditionary Medal or the Armed Forces Expeditionary Medal for service in, or in support of operations in, Afghanistan. The application and the additional fee, less Two Dollars ($2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(c) (i) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this subsection (7) shall pay an

additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this subsection (7), which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this subsection (7) and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he or she must surrender it to the local county tax collector.

(ii) A person issued a distinctive tag under Section 27-19-56.187 before July 8, 2020, may renew the tag under this subsection (7) in the manner provided for the issuance and renewal of a distinctive tag under this subsection (2). However, the person shall not be required to provide the written proof required in paragraph (b) of this subsection (7). The additional fee collected from the renewal of such a distinctive plate shall be distributed in the manner provided in paragraph (d) of this subsection (7).

(d) The Department of Revenue shall deposit all fees into the State Treasury on the day received. At the end of each month, the Department of Revenue shall certify the total fees

collected under this subsection (7) to the State Treasurer who shall distribute such collections as follows:

(i) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued or renewed under this subsection (7) shall be deposited in the State Treasury to the credit of a special fund to be administered by the board of the Mississippi Veterans Affairs for the support of indigent veterans who are residents of the state veterans homes and the support of the operations of the state veterans homes and cemeteries.

(ii) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (7) shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(iii) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (7) shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(iv) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (7) shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(e) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under

this subsection (7). The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this subsection (7). The tax collector shall issue up to two (2) license decals for each distinctive license tag issued or renewed under this subsection (7), which will expire the same month and year as the regular license tag.

(f) In the case of loss or theft of a distinctive license tag issued or renewed under this subsection (7), the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued or renewed under this subsection (7).

(8) (a) In recognition of the patriotic services rendered by Mississippians who are recipients of the Navy and Marine Corps Medal, any such person, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount

provided in paragraph (c) of this subsection (8), shall be privileged to obtain one (1) distinctive motor vehicle license plate or tag for each motor vehicle registered in his name identifying him as a recipient of the Navy and Marine Corps Medal. The tags shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Veterans Affairs, shall prescribe and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(b) Application for the distinctive license tags shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for such distinctive license tags shall present to the issuing official written proof that the applicant is a recipient of the Navy and Marine Corps Medal. The application and the additional fee, less Two Dollars ($2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(c) (i) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this subsection (8), which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the

vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this subsection (8) and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(ii) A person issued a distinctive tag under Section 27-19-56.199 before July 8, 2020, may renew the tag under this subsection (8) in the manner provided for the issuance and renewal of a distinctive tag under this subsection (8). However, the person shall not be required to provide the written proof required in paragraph (b) of this subsection (8). The additional fee collected from the renewal of such a distinctive plate shall be distributed in the manner provided in paragraph (d) of this subsection (8).

(d) The Department of Revenue shall deposit all fees into the State Treasury on the day received. At the end of each month, the Department of Revenue shall certify the total fees collected under this subsection (8) to the State Treasurer who shall distribute such collections as follows:

(i) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued or renewed under this subsection (8) shall be deposited in the State Treasury to the credit of a special fund to be administered by the

board of the Mississippi Veterans Affairs for the support of indigent veterans who are residents of the state veterans homes and the support of the operations of the state veterans homes and cemeteries.

(ii) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (8) shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(iii) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (8) shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(iv) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (8) shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(e) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this subsection (8). The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this subsection (8). The tax collector shall issue up to two (2) license decals for each distinctive license tag issued or renewed under this subsection (8), which will expire the same month and year as the regular license tag.

(f) In the case of loss or theft of a distinctive license tag issued or renewed under this subsection (8), the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued or renewed under this subsection (8).

(9) (a) In recognition of the patriotic services rendered by Mississippians who served in combat in the United States Armed Forces, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in paragraph (c) of this subsection (9), shall be privileged to obtain one (1) distinctive motor vehicle license plate or tag for each motor vehicle registered in his or her name identifying him or her as a combat veteran. The tags shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Veterans Affairs, may prescribe and

shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag. The Department of Revenue, with the advice of the Mississippi Veterans Affairs, shall develop decals to be affixed to the license tag indicating the type of military service.

(b) Application for the distinctive license tags shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for such distinctive license tags shall present to the issuing official written proof that the applicant served in combat in the United States Armed Forces. The application and the additional fee, less Two Dollars ($2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(c) (i) Beginning with any registration year commencing on or after July 1, 2020, any person applying for a distinctive license tag under this subsection (9) shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this subsection (9), which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this

subsection (9) and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he or she must surrender it to the local county tax collector.

(ii) A person issued a distinctive plate or tag under Section 27-19-56.450 before July 8, 2020, renew the plate or tag under this subsection (9) in the manner provided for the issuance and renewal of a distinctive plate or tag under this subsection (9). However, the person shall not be required to provide the written proof required in paragraph (b) of this subsection (9). The additional fee collected from the renewal of such a distinctive plate shall be distributed in the manner provided in paragraph (d) of this subsection (9).

(d) The Department of Revenue shall deposit all fees into the State Treasury on the day received. At the end of each month, the Department of Revenue shall certify the total fees collected under this subsection (9) to the State Treasurer who shall distribute such collections as follows:

(i) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued or renewed under this subsection (9) shall be deposited in the State Treasury to the credit of a special fund to be administered by the board of the Mississippi Veterans Affairs for the support of indigent veterans who are residents of the state veterans homes

and the support of the operations of the state veterans homes and cemeteries.

(ii) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (9) shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(iii) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (9) shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(iv) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (9) shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(e) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this subsection (9). The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this subsection (9). The tax collector shall issue up to two (2) license decals for each distinctive license tag issued or renewed under this subsection (9), which will expire the same month and year as the regular license tag.

(f) In the case of loss or theft of a distinctive license tag issued or renewed under this subsection (9), the owner

may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued or renewed under this subsection (9).

(10) (a) In recognition of the patriotic services rendered by Mississippians who are honorably discharged veterans who served in the United States Armed Forces in Operation Desert Storm or Operation Desert Shield, any such person, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in paragraph (c) of this subsection (10), shall be privileged to obtain one (1) distinctive motor vehicle license plate or tag for each motor vehicle registered in his or her name identifying him or her as a veteran of Operation Desert Storm or Operation Desert Shield. The tags shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Veterans Affairs, may prescribe

and shall consist of such letters or numbers, or both, as may be necessary to distinguish each license tag.

(b) Application for the distinctive license tags shall be made to the county tax collector on forms prescribed by the Department of Revenue. Applicants for such distinctive license tags shall present to the issuing official written proof that the applicant is an honorably discharged veteran who served in the United States Armed Forces in Operation Desert Storm or Operation Desert Shield. The application and the additional fee, less Two Dollars ($2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(c) (i) Beginning with any registration year commencing on or after July 1, 2021, any person applying for a distinctive license tag under this subsection (10) shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this subsection (10), which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this subsection (10) and thereafter annually at the time of renewal

registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he or she must surrender it to the local county tax collector.

(d) The Department of Revenue shall deposit all fees into the State Treasury on the day received. At the end of each month, the Department of Revenue shall certify the total fees collected under this subsection (10) to the State Treasurer who shall distribute such collections as follows:

(i) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued or renewed under this subsection (10) shall be deposited in the State Treasury to the credit of a special fund to be administered by the board of the Mississippi Veterans Affairs for the support of indigent veterans who are residents of the state veterans homes and the support of the operations of the state veterans homes and cemeteries.

(ii) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (10) shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(iii) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (10) shall be deposited to the credit of the

State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(iv) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued or renewed pursuant to this subsection (10) shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(e) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this subsection (10). The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this subsection (10). The tax collector shall issue up to two (2) license decals for each distinctive license tag issued or renewed under this subsection (10), which will expire the same month and year as the regular license tag.

(f) In the case of loss or theft of a distinctive license tag issued or renewed under this subsection (10), the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued or renewed under this subsection (10).

SECTION 16. Section 27-19-56.5, Mississippi Code of 1972, is amended as follows:

27-19-56.5. (1) (a) In recognition of the patriotic service rendered by Mississippians who survived the attack on Pearl Harbor and by Mississippians who are recipients of the Purple Heart Medal, any such person is privileged to obtain two (2) distinctive motor vehicle license plates or tags identifying such person as a Pearl Harbor survivor or not more than * * * five (5) distinctive motor vehicle license plates or tags and one (1) distinctive motorcycle license plate or tag identifying such person as a Purple Heart Medal recipient.

(b) A person who is privileged to obtain a distinctive motor vehicle license plate or tag identifying such person as a Purple Heart Medal recipient and who is eligible to obtain a special license plate under Section 27-19-56, is privileged to obtain one (1) distinctive motor vehicle license plate or tag bearing the International Symbol of Access adopted by Rehabilitation International in 1969 at its Eleventh World Congress on Rehabilitation of the disabled and identifying such person as a Purple Heart Medal recipient.

(c) Except as otherwise provided in paragraph (b) of this subsection, the distinctive plates or tags shall be of a color and design designated by the Department of Revenue.

(2) (a) The distinctive license plates shall be prepared by the Department of Revenue and shall be issued through the tax

collectors of the counties in the same manner as are other motor vehicle license plates or tags.

(b) A tag fee of Fifteen Dollars ($15.00), in addition to all other taxes and fees, shall be collected by the tax collector for the Pearl Harbor distinctive tag.

(c) The first distinctive tag issued to Purple Heart Medal recipients under the provisions of this section shall be exempt from ad valorem taxes, privilege taxes and all other taxes and fees. There shall be no exemption from ad valorem taxes, privilege taxes or other taxes and fees for the issuance of an additional distinctive tag to Purple Heart Medal recipients. However, the surviving spouse of a deceased person who was issued a Purple Heart Medal distinctive license plate or tag under this section shall be entitled to apply for or retain one (1) such license tag and may continue annually to renew registration for such distinctive license plate or tag for as long as the spouse remains unmarried. At the time of application or renewal registration, a surviving spouse who desires to retain such distinctive plate or tag shall file with the county tax collector a sworn statement that the spouse is unmarried, and any such vehicle when so registered shall be exempt from ad valorem taxes, privilege taxes and all other taxes and fees.

(d) The tax collector shall monthly forward the additional fee of Fifteen Dollars ($15.00) charged for issuance of

a Pearl Harbor distinctive tag to the Department of Revenue which shall deposit such fee to the credit of the State General Fund.

(e) An applicant for a distinctive tag under this section shall present to the issuing official either:

(i) Written proof that the applicant is an honorably discharged former member of one (1) of the Armed Forces of the United States and, while serving in the Armed Forces of the United States, was present during the attack on the Island of Oahu, Territory of Hawaii, on December 7, 1941, between the hours of 7:55 a.m. and 9:45 a.m., Hawaii time; or

(ii) Written proof that the applicant is a Purple Heart Medal recipient; however, if the person is applying for a distinctive tag pursuant to subsection (1)(b) of this section, the applicant shall also meet the requirements of Section 27-19-56.

(f) The distinctive license plates or tags so issued shall be used only upon a personally or jointly owned private passenger vehicle (to include station wagons, recreational motor vehicles and pickup trucks) or motorcycle registered in the name, or jointly in the name, of the person making application therefor, and when issued to such person shall be used upon the vehicle for which issued in lieu of the standard license plate or license tag normally issued for such vehicle.

(3) The distinctive license plates shall not be transferable between motor vehicle owners; and in the event the owner of a vehicle bearing a distinctive plate shall sell, trade, exchange or

otherwise dispose of the vehicle, such plate shall be retained by such owner and returned to the tax collector.

(4) A vehicle that displays a distinctive license plate issued under this section may park free of charge in any state parking space or state parking facility when the person to whom the license plate was issued is operating or occupying the vehicle.

(5) Any person evading or violating any of the provisions of this section, or attempting to secure benefits under this section to which he or she is not entitled, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than One Thousand Dollars ($1,000.00) or imprisoned in the county jail for not less than six (6) months, or both.

SECTION 17. Section 27-19-53, Mississippi Code of 1972, is amended as follows:

27-19-53. (1) (a) (i) Any legal resident of the State of Mississippi who is a veteran of service in the Armed Forces of the United States, and who is rated as having one hundred percent (100%) permanent service-connected disability by the Veterans' Administration is privileged to purchase annually under this subsection two (2) motor vehicle license plates or tags in his or her county of legal residence, for the sum of One Dollar ($1.00) in total cost for each plate or tag, regardless of make or model of motor vehicle. The registration year of such motor vehicle

shall commence the first day of the month in which application for registration is made, as provided in Section 27-19-31.

(ii) Any legal resident of the State of Mississippi who is a veteran of service in the Armed Forces of the United States, and who is rated as having one hundred percent (100%) permanent service-connected disability by the Veterans' Administration is privileged to purchase annually under this subsection one (1) motorcycle license plate or tag in his or her county of legal residence, for the sum of One Dollar ($1.00) in total cost for each plate or tag. The registration year of such motorcycle shall commence the first day of the month in which application for registration is made, as provided in Section 27-19-31.

(* * *b) Not more than two (2) such motor vehicle license plates or tags shall be issued under this subsection to each such qualified veteran. Not more than one (1) such motorcycle license plate or tag shall be issued under this subsection to each such qualified veteran.

(* * *c) This section pertains only to taxes or plates for private passenger motor vehicles or pickup trucks or motorcycles.

(* * *d) Proof of ownership of a particular motor vehicle or motorcycle for which a license plate or tag is requested must be shown at time of application for such plate or tag.

(* * *e) Vehicles and motorcycles owned by such veterans are exempt under this subsection from all ad valorem and privilege taxes; however, the surviving spouse of a deceased person who was issued a license plate or tag under this subsection shall be entitled to apply for or retain a license tag issued under this subsection and may continue annually to renew registration for two (2) motor vehicle license plates or tags and one (1) motorcycle license plate or tag under this subsection for as long as the spouse remains unmarried. In addition, if a deceased person who was eligible to be issued a license plate or tag under this subsection did not apply for or was not issued a license plate or tag, the surviving spouse of such deceased person shall be entitled to apply for and be issued a license plate or tag under this subsection and may continue annually to renew registration for two (2) motor vehicle license plates or tags and one (1) motorcycle license tag or plate under this subsection for as long as the spouse remains unmarried. At the time of application or renewal registration, a surviving spouse who desires to retain a distinctive plate or tag issued under this subsection shall file with the county tax collector a sworn statement that the spouse is unmarried. Any such vehicle or motorcycle when so registered shall be exempt from all ad valorem and privilege taxes.

(2) Any person who is entitled to obtain license tags under subsection (1) of this section may be issued one (1) additional

such license tag for any other vehicle registered in his or her name upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as otherwise prescribed by law for the particular vehicle.

(3) The Department of Revenue is directed to furnish each veteran obtaining a license tag under this section an emblem, which the veteran shall attach securely to the tag, showing that the tag was issued to a disabled American veteran.

(4) A license issued under this section shall not be transferable to any other person.

(5) Any person evading or violating any of the provisions of this section, or attempting to secure benefits under this section to which he is not entitled, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than One Thousand Dollars ($1,000.00) or imprisoned in the county jail for not less than ninety (90) days, or both.

SECTION 18. Section 27-51-41, Mississippi Code of 1972, is amended as follows:

27-51-41. (1) The exemptions from the provisions of this chapter shall be confined to those persons or property exempted by this chapter or by the provisions of the Constitution of the United States or the State of Mississippi. No exemption as now provided by any other statute shall be valid as against the tax levied by this chapter. Any subsequent exemption from the tax

levied hereunder shall be provided by amendment to this section which shall be inserted in the bill at length.

(2) The following shall be exempt from ad valorem taxation:

(a) All motor vehicles, as defined in this chapter, and including motor-propelled farm implements and vehicles, while in the hands of bona fide dealers as merchandise and which are not being operated upon the highways of this state.

(b) All motor vehicles belonging to the federal government or the State of Mississippi or any agencies or instrumentalities thereof.

(c) All motor vehicles owned by any school district in the state.

(d) All motor vehicles owned by any fire protection district incorporated in accordance with Sections 19-5-151 through 19-5-207 or by any fire protection grading district incorporated in accordance with Sections 19-5-215 through 19-5-241.

(e) All motor vehicles owned by units of the Mississippi National Guard.

(f) All motor vehicles which are exempted from highway privilege taxes under Section 27-19-1 et seq.

(g) All motor vehicles operated in this state as common and contract carriers of property, private commercial carriers of property, private carriers of property and buses, all of which have a gross weight in excess of ten thousand (10,000) pounds.

(h) Antique automobiles as defined in Section 27-19-47, and antique pickup trucks as provided for under Section 27-19-47.2, Mississippi Code of 1972.

(i) Street rods as defined in Section 27-19-56.6.

(j) (i) Two (2) motor vehicles owned by a disabled American veteran, or by the spouse of a deceased disabled American veteran, who is entitled to purchase a distinctive license plate or tag in accordance with Section 27-19-53, regardless of the license plate or tag issued to the disabled American veteran or the veteran's spouse if the disabled American veteran is deceased.

(ii) One (1) motorcycle owned by a disabled American veteran, or by the spouse of a deceased disabled American veteran, who is entitled to purchase a distinctive license plate or tag in accordance with Section 27-19-53, regardless of the license plate or tag issued to the disabled American veteran or the veteran's spouse if the disabled American veteran is deceased.

(k) One (1) motor vehicle owned by the unremarried surviving spouse of a member of the Armed Forces of the United States who, while on active duty, is killed or dies and one (1) motor vehicle owned by the unremarried surviving spouse of a member of a reserve component of the Armed Forces of the United States or of the National Guard who, while on active duty for training, is killed or dies.

(l) Motor vehicles owned by recipients of the Congressional Medal of Honor or by former prisoners of war, or by

spouses of such deceased persons, in accordance with Section 27-19-54.

(m) (i) One (1) private carrier of passengers, as defined in Section 27-19-3, owned by any religious society, ecclesiastical body or any congregation thereof which is used exclusively for such society and not for profit.

(ii) All motor vehicles owned by any such religious society or any educational institution having a seating capacity greater than seven (7) passengers and used exclusively for transporting passengers for religious or educational purposes and not for profit.

(n) All motor vehicles primarily used as rentals under rental agreements with a term of not more than thirty (30) continuous days each and under the control of persons who are engaged in the business of renting such motor vehicles and who are subject to the tax under Section 27-65-231.

(o) Antique motorcycles as defined in Section 27-19-47.1.

(p) One (1) motor vehicle owned by a recipient of the Purple Heart, and one (1) motor vehicle owned by the unremarried surviving spouse of a recipient of the Purple Heart, as provided in Section 27-19-56.5.

(q) Motor vehicles that are eligible to display an authentic historical license plate as provided for in Section 27-19-56.11.

(r) Motor vehicles that are (i) designed or adapted to be used exclusively in the preparation and loading of chemicals or other material for aerial agricultural application to crops; and (ii) only incidentally used on public roadways in this state.

(s) One (1) motor vehicle owned by the mother of a service member who died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war after September 11, 2001, as provided for in Section 27-19-56.162 or Section 27-19-56.524(5).

(t) One (1) motor vehicle owned by the unremarried spouse of a service member who died while serving on active duty in the Armed Forces of the United States while the United States was engaged in hostile activities or a time of war after September 11, 2001, as provided for in Section 27-19-56.162 or Section 27-19-56.524(5).

(u) Buses and other motor vehicles that are (a) owned and operated by an entity that has entered into a contract with a school board under Section 37-41-31 for the purpose of transporting students to and from schools and (b) used by the entity for such transportation purposes. This paragraph (u) shall apply to contracts entered into or renewed on or after July 1, 2010.

(v) One (1) motor vehicle owned by a recipient of the Silver Star, and one (1) motor vehicle owned by the unremarried

surviving spouse of a recipient of the Silver Star, as provided in Section 27-19-56.284.

(w) One (1) motor vehicle owned by a person who is a law enforcement officer and who (i) was wounded or otherwise received intentional or accidental bodily injury, regardless of whether occurring before or after July 1, 2014, while engaged in the performance of his official duties, provided the wound or injury was not self-inflicted, (ii) was required to receive medical treatment for the wound or injury due to the nature and extent of the wound or injury, and (iii) is eligible to receive a special license plate or tag under Section 27-19-56 as a result of such wound or injury, regardless of whether the person obtains such a plate or tag. Application for the exemption provided in this paragraph (w) may be made at the time of initial registration of a vehicle and renewal of registration. In addition, an applicant for the exemption must provide official written documentation that (i) the applicant is a law enforcement officer who was wounded or otherwise received intentional or accidental bodily injury while engaged in the performance of his official duties and that the wound or injury was not self-inflicted along with official written documentation verifying receipt of medical treatment for the wound or injury and the nature and extent of the wound or injury, and (ii) the applicant is eligible to receive a special license plate or tag under Section 27-19-56 as a result of

such wound or injury, regardless of whether the person obtains such a plate or tag.

(x) One (1) motor vehicle owned by an honorably discharged veteran of the Armed Forces of the United States who served during World War II, and one (1) motor vehicle owned by the unremarried surviving spouse of such veteran, as provided in Section 27-19-56.438.

(3) Any claim for tax exemption by authority of the above-mentioned code sections or by any other legal authority shall be set out in the application for the road and bridge privilege license, and the specific legal authority for such tax exemption claim shall be cited in said application, and such authority cited shall be shown by the tax collector on the tax receipt as his authority for not collecting such ad valorem taxes, and the tax collector shall carry forward such information in his tax collection reports.

(4) Any motor vehicle driven over the highways of this state to the extent that the owner of such motor vehicle is required to purchase a road and bridge privilege license in this state, yet the legal situs of such motor vehicle is located in another state, shall be exempt from ad valorem taxes authorized by this chapter.

(5) If a taxpayer shall sell, trade or otherwise dispose of a vehicle on which the ad valorem and road and bridge privilege taxes have been paid in any county in the state, he shall remove the license plate from the vehicle. Such license plate must be

surrendered to the issuing authority with the corresponding tax receipt, if required, and credit shall be allowed for the taxes paid for the remaining tax year on like privilege or ad valorem taxes due on another vehicle owned by the seller or transferor or by the seller's or transferor's spouse or dependent child. If the seller or transferor does not elect to receive such credit at the time the license plate is surrendered, the issuing authority shall issue a certificate of credit to the seller or transferor, or to the seller's or transferor's spouse or dependent child, or to any other person, business or corporation, at the direction of the seller or transferor, for the remaining unexpired taxes prorated from the first day of the month following the month in which the license plate is surrendered. The total of such credit may be used by the person or entity to whom the certificate of credit is issued, regardless of the relative amounts attributed to privilege taxes or to county, school or municipal ad valorem taxes. Any credit allowed for taxes due or any certificate of credit issued may be applied to like taxes owed in any county by the person to whom the credit is allowed or by the person possessing the certificate of credit. No credit, however, shall be allowed on the charge made for the license plate. Such license plates surrendered to the tax collector shall be retained by him, and in no event shall such license plate be attached to any vehicle after being surrendered to the tax collector, nor shall any license plate be transferred from one (1) vehicle to any other vehicle.

(6) If the person owning a vehicle subject to taxation under the provisions of this chapter does not operate such vehicle on the highways of this state from the date of acquisition or, if previously registered, from the end of the anniversary month of the tag and decals to the date on which he makes application for a current license tag or decals, he shall pay such ad valorem tax for a period of twelve (12) months beginning with the first day of the month in which he applies for a current license tag or decals under Chapter 19, Title 27, Mississippi Code of 1972. The owner shall submit an affidavit with an application attesting to the fact that the vehicle was not operated on the highways of this state from the date of acquisition or, if previously registered, from the end of the anniversary month of the tag and decals to the date on which he makes application for the current license tag or decals.

(7) Any person found violating any of the provisions of this section shall be arrested and tried, and if found guilty shall be fined in an amount double the total amount of taxes involved.

SECTION 19. Section 27-19-56.490, Mississippi Code of 1972, is amended as follows:

27-19-56.490. (1) Any owner of a motor vehicle who is a resident of this state, upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of

an additional fee in the amount provided in subsection (3) of this section, shall be issued a distinctive license tag for each motor vehicle registered in his name, which shall be of such color and design as the Department of Revenue, with the advice of the Mississippi Department of Archives and History, may prescribe. The * * * Mississippi state flag shall be featured prominently on the license tag. The Department of Revenue shall prescribe such letters or numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) Beginning with any registration year commencing on or after July 1, 2019, any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established

license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each month, the Department of Revenue shall certify the total fees collected under this section to the State Treasurer who shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the special fund created in subsection (7) of this section.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) There is established in the State Treasury a special fund which shall consist of monies deposited therein under subsection (4) of this section. Monies in the fund may be expended by the Mississippi Department of Archives and History,

upon appropriation by the Legislature, for the operation and maintenance of the Mississippi Museum of History and the Mississippi Civil Rights Museum. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund.

SECTION 20. Section 27-19-56.415, Mississippi Code of 1972, is amended as follows:

27-19-56.415. (1) Beginning with any registration year commencing on or after July 1, 2021, any owner of a motor vehicle, who is a resident of this state, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, and upon payment of the road and bridge privilege taxes, ad valorem taxes and registration fees as prescribed by law for private carriers of passengers, pickup trucks and other noncommercial motor vehicles, and upon payment of an additional annual fee in the amount provided in subsection (3) of this section, shall be issued a special license tag for each motor vehicle registered in his name identifying such person as a supporter of the GRAMMY® Museum Mississippi. The distinctive license tags so issued shall be of such color and design as the Department of Revenue, with the advice of the GRAMMY® Museum Mississippi, may prescribe, and shall consist of such letters or

numbers, or both, as may be necessary to distinguish each license tag.

(2) Application for the distinctive license tags authorized by this section shall be made to the county tax collector on forms prescribed by the Department of Revenue. The application and the additional fee imposed under subsection (3) of this section, less Two Dollars ($2.00) thereof to be retained by the tax collector, shall be remitted to the Department of Revenue on a monthly basis as prescribed by the department. The portion of the additional fee retained by the tax collector shall be deposited into the county general fund.

(3) * * * Any person applying for a distinctive license tag under this section shall pay an additional fee in the amount of Thirty Dollars ($30.00) for each distinctive license tag applied for under this section, which shall be in addition to all other taxes and fees. The additional fee paid shall be for a period of time to run concurrently with the vehicle's established license tag year. The additional fee is due and payable at the time the original application is made for a distinctive license tag under this section and thereafter annually at the time of renewal registration as long as the owner retains the distinctive license tag. If the owner does not wish to retain the distinctive license tag, he must surrender it to the local county tax collector.

(4) The Department of Revenue shall deposit all fees into the State Treasury on the day collected. At the end of each

month, the Department of Revenue shall certify to the State Treasurer the total fees collected under this section from the issuance of the distinctive license tags issued under this section. The State Treasurer shall distribute such collections as follows:

(a) Twenty-four Dollars ($24.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be disbursed to the GRAMMY© Museum Mississippi.

(b) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited into the Mississippi Burn Care Fund created pursuant to Section 7-9-70.

(c) Two Dollars ($2.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the State Highway Fund to be expended solely for the repair, maintenance, construction or reconstruction of highways.

(d) One Dollar ($1.00) of each additional fee collected on distinctive license tags issued pursuant to this section shall be deposited to the credit of the special fund created in Section 27-19-44.2.

(5) A regular license tag must be properly displayed as required by law until replaced by a distinctive license tag under this section. The regular license tag must be surrendered to the tax collector upon issuance of the distinctive license tag under

this section. The tax collector shall issue up to two (2) license decals for each distinctive license tag issued under this section, which will expire the same month and year as the regular license tag.

(6) In the case of loss or theft of a distinctive license tag issued under this section, the owner may make application and affidavit for a replacement distinctive license tag as provided by Section 27-19-37. The fee for a replacement distinctive license tag shall be Ten Dollars ($10.00). The tax collector receiving such application and affidavit shall be entitled to retain and deposit into the county general fund five percent (5%) of the fee for such replacement license tag and the remainder shall be distributed proportionately in the same manner as funds from the sale of regular distinctive license tags issued under this section.

(7) In order for a distinctive license tag to be issued under this section, the provisions of Section 27-19-44(3) must be satisfied for the distinctive license tag before July 1, 2024.

SECTION 21. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 382

Description: Chronic wasting disease; revise requirements for testing of white-tailed deer harvested within enclosures.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(H)	Referred To Wildlife, Fisheries and Parks
2	01/28	(H)	Title Suff Do Pass Comm Sub
3	02/10	(H)	Committee Substitute Adopted
4	02/10	(H)	Passed {Vote}
5	02/12	(H)	Transmitted To Senate
6	02/22	(S)	Referred To Wildlife, Fisheries and Parks
7	03/02	(S)	Title Suff Do Pass As Amended
8	03/04	(S)	Amended
9	03/04	(S)	Passed As Amended {Vote}
10	03/04	(S)	Motion to Reconsider Entered
11	03/11	(S)	Motion to Reconsider Tabled
12	03/11	(S)	Returned For Concurrence
13	03/17	(H)	Decline to Concur/Invite Conf
14	03/22	(H)	Conferees Named Kinkade,Bounds,Barnett
15	03/23	(S)	Conferees Named Whaley,Michel,Suber
16	03/27	(S)	Conference Report Filed
17	03/27	(H)	Conference Report Filed
18	03/28	(H)	Recommitted For Further Conf
19	03/28	(S)	Recommitted For Further Conf
20	03/29	(H)	Conference Report Filed
21	03/29	(S)	Conference Report Filed
22	03/30	(H)	Conference Report Adopted {Vote}
23	03/30	(S)	Conference Report Adopted {Vote}
24	04/01	(H)	Enrolled Bill Signed
25	04/01	(S)	Enrolled Bill Signed
26	04/09		Approved by Governor

Amendments:

[S] Committee Amendment No 2 ***Adopted*** Voice Vote

Amendment Report for House Bill No. 382

Conference Reports:

| Conference Report

| Conference Report # 2

Code Section: A 049-0001-0029, A 049-0007-0058.1, A 049-0007-0058.2, RP 049-0007-0058.5

----- Additional Information -----

House Committee: Wildlife, Fisheries and Parks
Senate Committee: Wildlife, Fisheries and Parks

Principal Author: Bounds

Title: AN ACT TO AUTHORIZE THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO REQUIRE CHRONIC WASTING DISEASE TESTING OF A SAMPLE OF WHITE-TAILED DEER HARVESTED OR DYING FROM CAUSES OTHER THAN BEING HARVESTED BY HUNTING WITHIN ANY ENCLOSURE; TO PROVIDE THAT IF CHRONIC WASTING DISEASE IS DETECTED WITHIN AN ENCLOSURE, THE COMMISSION SHALL NOT DECLARE SURROUNDING OR ADJOINING PROPERTIES WITHIN A FIVE MILE RADIUS OF THE ENCLOSURE A CWD MANAGEMENT ZONE, UNTIL CHRONIC WASTING DISEASE IS POSITIVELY DETECTED WITHIN SUCH RADIUS ON THESE SURROUNDING OR ADJOINING PROPERTIES; TO IMPOSE CERTAIN FINES FOR FIRST AND SUBSEQUENT VIOLATIONS; TO AMEND SECTIONS 49-1-29, 49-7-58.1 AND 49-7-58.2, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; TO REPEAL SECTION 49-7-58.5, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE CHRONIC WASTING DISEASE TESTING OF WHITE-TAIL DEER HARVESTED WITHIN ANY ENCLOSURE, AND IMPOSES CLASS II AND CLASS I VIOLATION PENALTIES FOR FIRST AND SUBSEQUENT VIOLATIONS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Bounds

To: Wildlife, Fisheries and Parks

HOUSE BILL NO. 382
(As Sent to Governor)

AN ACT TO AUTHORIZE THE COMMISSION ON WILDLIFE, FISHERIES AND PARKS TO REQUIRE CHRONIC WASTING DISEASE TESTING OF A SAMPLE OF WHITE-TAILED DEER HARVESTED OR DYING FROM CAUSES OTHER THAN BEING HARVESTED BY HUNTING WITHIN ANY ENCLOSURE; TO PROVIDE THAT IF CHRONIC WASTING DISEASE IS DETECTED WITHIN AN ENCLOSURE, THE COMMISSION SHALL NOT DECLARE SURROUNDING OR ADJOINING PROPERTIES WITHIN A FIVE MILE RADIUS OF THE ENCLOSURE A CWD MANAGEMENT ZONE, UNTIL CHRONIC WASTING DISEASE IS POSITIVELY DETECTED WITHIN SUCH RADIUS ON THESE SURROUNDING OR ADJOINING PROPERTIES; TO IMPOSE CERTAIN FINES FOR FIRST AND SUBSEQUENT VIOLATIONS; TO AMEND SECTIONS 49-1-29, 49-7-58.1 AND 49-7-58.2, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; TO REPEAL SECTION 49-7-58.5, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THE CHRONIC WASTING DISEASE TESTING OF WHITE-TAIL DEER HARVESTED WITHIN ANY ENCLOSURE, AND IMPOSES CLASS II AND CLASS I VIOLATION PENALTIES FOR FIRST AND SUBSEQUENT VIOLATIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) (a) White-tailed deer harvested within any enclosure shall be tested for chronic wasting disease (CWD).

(b) The Commission on Wildlife, Fisheries and Parks shall promulgate rules and regulations requiring the annual submission of viable samples from harvested deer for chronic wasting disease testing. Rules promulgated under this paragraph shall require a minimum submission from inside a high-fenced

enclosure representing at least one (1) deer per each two hundred (200) acres of land under fence.

(c) In addition to samples submitted from deer harvested within an enclosure, to the extent possible, enclosure owner/operators shall submit viable samples collected from any deer that dies inside an enclosure from causes other than being harvested by hunting, for chronic wasting disease testing.

Samples collected from deer whose death occurred for reasons other than hunting shall count toward the total number of required samples.

(2) If chronic wasting disease is detected within an enclosure, as defined in Section 49-7-58.1, the commission shall not declare surrounding or adjoining properties within a five (5) mile radius of the enclosure a CWD Management Zone, until chronic wasting disease is positively detected within such radius on these surrounding or adjoining properties.

(3) Failure to submit samples pursuant to the rules and regulations promulgated by the commission shall be a violation of those regulations. A first violation of such regulations shall be punishable by a fine of Five Hundred Dollars ($500.00). Each second or subsequent violation shall be punishable by a fine of One Thousand Dollars ($1,000.00).

SECTION 2. Section 49-1-29, Mississippi Code of 1972, is amended as follows:

49 49-1-29. (1) The commission may promulgate rules and
50 regulations, inaugurate studies and surveys, and establish any
51 services it deems necessary to carry out wildlife laws. A
52 violation of any rules or regulations promulgated by the
53 commission shall constitute a misdemeanor and shall be punished as
54 provided in Section 49-7-101.
55 (2) The executive director shall have authority with
56 commission approval:
57 (a) To close or shorten the open season as prescribed
58 by law in cases of urgent emergency on any species of game birds,
59 game or fur-bearing animals, reptiles, fish or amphibians, in any
60 locality, when it finds after investigation and public review that
61 the action is reasonably necessary to secure the perpetuation of
62 any species of game birds, game or fur-bearing animals, reptiles,
63 fish or amphibians and to maintain an adequate supply in the
64 affected area. The statutes shall continue in full force and
65 effect, except as restricted and limited by the rules and
66 regulations promulgated by the commission.
67 (b) To designate wildlife refuges, with the consent of
68 the property owner or owners, in any localities it finds necessary
69 to secure perpetuation of any species of game birds, game or
70 fur-bearing animals, reptiles, fish or amphibians and to maintain
71 an adequate supply for the purpose of providing a safe retreat
72 where the animals may rest and replenish adjacent hunting,
73 trapping or fishing grounds or waters, and to approve land

suitable for such purposes as eligible for the income tax credit authorized under Section 27-7-22.22.

(c) To acquire and hold for the state by purchase, condemnation, lease, or agreement as authorized from time to time by the Legislature, and to receive by gifts or devise, lands or water suitable for fish habitats, game and bird habitats, state parks, access sites, wildlife refuges, or for public shooting, trapping or fishing grounds or waters, to provide areas on which any citizen may hunt, trap or fish under any special regulations as the commission may prescribe, and to approve lands suitable for such purposes as eligible for the income tax credit authorized under Section 27-7-22.22.

(d) To extend and consolidate lands or waters suitable for the above purposes by exchange of lands or waters under its jurisdiction.

(e) To capture, propagate, transport, sell or exchange any species of game birds, game or fur-bearing animals, reptiles, fish or amphibians needed for stocking or restocking any lands or waters of the state.

(f) To enter into cooperative agreements with persons, firms, corporations or governmental agencies for purposes consistent with this chapter.

(g) To regulate the burning of rubbish, slashings and marshes or other areas it may find reasonably necessary to reduce the danger of destructive fires.

(h) To conduct research in improved wildlife and fisheries conservation methods and to disseminate information to the residents of the state through the schools, public media and other publications.

(i) To have exclusive charge and control of the propagation and distribution of wild birds, animals, reptiles, fish and amphibians, the conduct and control of hatcheries, biological stations and game and fur farms owned or acquired by the state; to expend for the protection, propagation or preservation of game birds, game or fur-bearing animals, reptiles, fish and amphibians all funds of the state acquired for this purpose arising from licenses, gifts or otherwise; and shall have charge of the enforcement of all wildlife laws.

(j) To grant permits and provide regulations for field trials and dog trainers.

(k) To prohibit and to regulate the taking of nongame gross fish, except minnows.

(l) To enter into agreements with landowners to trap and purchase quail on the premises of the landowner and to provide for the distribution of quail.

(m) To operate or lease to third persons concessions or other rights or privileges on lakes owned or leased by the department. Owners of land adjoining land owned or leased by the department shall have priority to the concessions or rights or

privileges, if the owners meet the qualifications established by the commission.

(n) To implement a beaver control program and to charge fees, upon the recommendation of the Beaver Control Advisory Board, to landowners participating in the beaver control program described in Section 49-7-201.

(o) To apply for, receive and expend any federal, state or local funds, contributions or funds from any other source for the purpose of beaver control or eradication.

(p) To require the department to divide the districts into zones if necessary, and periodically survey the districts or zones to obtain information that is necessary to properly determine the population and allowable harvest limits of wildlife within the district or zone.

(q) To * * * grant wildlife personnel * * * access to enter the * * * enclosure and utilize * * * the best collection methods available to obtain tissue samples for testing where CWD has been diagnosed within five (5) miles of the enclosure.

If CWD is detected within an enclosure, the commission shall not declare surrounding or adjoining properties within a five (5) mile radius of the enclosure, a CWD Management Zone, until chronic wasting disease is positively detected within such radius on these surrounding or adjoining properties.

SECTION 3. Section 49-7-58.1, Mississippi Code of 1972, is amended as follows:

49-7-58.1. (1) The owner of any enclosure containing white-tailed deer that prevents the free egress of white-tailed deer from the enclosed area shall notify and register with the Department of Wildlife, Fisheries and Parks. The person shall give his name, the location of the enclosure, the acreage within the enclosure, and whether any deer have been imported into the state and placed in the enclosure, and any other information required by the Commissioner on Wildlife, Fisheries and Parks.

(2) Persons who constructed an enclosure prior to July 1, 2003, shall have until January 1, 2004, to notify and provide the information required under this section. The person shall use acceptable hunting and wildlife management practices as may be determined by the department.

(3) The owner of such an enclosure shall comply with * * * all rules and regulations promulgated by the Commission on Wildlife, Fisheries and Parks for the testing of white-tailed deer harvested within * * * an enclosure, or whose death was due to causes other than hunting activity, as required by Section * * * 1 of this act. If chronic wasting disease is diagnosed within five (5) miles of the enclosure, the owner of such enclosure shall allow department personnel to enter the enclosure to utilize * * * the best collection methods possible to obtain tissue samples for testing. If chronic wasting disease is diagnosed within the enclosure, the owner shall * * * work with the commission to determine a solution for containing the disease within the

enclosure; however, the commission shall not declare surrounding or adjoining properties within a five (5) mile radius of the enclosure a CWD Management Zone, until chronic wasting disease is positively detected within such radius on these surrounding or adjoining properties.

(4) * * * Violations of this section * * * shall be punishable as provided in Section * * * 1 of this act.

SECTION 4. Section 49-7-58.2, Mississippi Code of 1972, is amended as follows:

49-7-58.2. (1) The Department of Wildlife, Fisheries and Parks shall develop and implement a program for inspecting, monitoring, testing and preventing chronic wasting disease. The Commission on Wildlife, Fisheries and Parks shall promulgate rules and regulations to effect the sampling of deer harvested, or dying from, nonhunting related causes, within an enclosure. If chronic wasting disease is diagnosed in white-tailed deer within an enclosure, the department is authorized to use methods authorized by the commission and enter the enclosure * * * to determine a solution for containing the disease within the enclosure. If chronic wasting disease is diagnosed within five (5) miles of the enclosure, the department is authorized to enter the enclosure and utilize * * * the best collection methods available to obtain tissue samples. If chronic wasting disease is detected within an enclosure, the commission shall not declare surrounding or adjoining properties within a five (5) mile radius of the

enclosure a CWD Management Zone, until chronic wasting disease is positively detected within such radius on these surrounding or adjoining properties.

(2) If a live test for chronic wasting disease is developed, the department is authorized to conduct such tests on white-tailed deer within any enclosure.

SECTION 5. Section 49-7-58.5, Mississippi Code of 1972, which requires the chronic wasting disease (CWD) testing of white-tail deer harvested within any enclosure, and imposes Class II and Class I violation penalties for first and subsequent violations, is repealed.

SECTION 6. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 424

Description: Memorial highways; designate.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H)	Referred To Transportation; Appropriations
2	01/26	(H)	DR - TSDPCS: TR To AP
3	01/28	(H)	DR - TSDPCS: AP To TR
4	01/28	(H)	Title Suff Do Pass Comm Sub
5	02/10	(H)	Committee Substitute Adopted
6	02/10	(H)	Amended
7	02/10	(H)	Passed As Amended {Vote}
8	02/10	(H)	Motion to Reconsider Entered (Busby, Massengill)
9	02/11	(H)	Reconsidered
10	02/11	(H)	Amended
11	02/11	(H)	Passed As Amended {Vote}
12	02/12	(H)	Transmitted To Senate
13	02/22	(S)	Referred To Highways and Transportation; Appropriations
14	03/01	(S)	DR - TSDP: HI To AP
15	03/02	(S)	Title Suff Do Pass
16	03/10	(S)	Amended
17	03/10	(S)	Passed As Amended {Vote}
18	03/11	(S)	Returned For Concurrence
19	03/17	(H)	Decline to Concur/Invite Conf
20	03/22	(H)	Conferees Named Busby,Arnold,Crudup
21	03/23	(S)	Conferees Named Branning,Whaley,DeLano
22	03/25	(H)	Conference Report Filed
23	03/25	(S)	Conference Report Filed
24	03/26	(S)	Conference Report Adopted {Vote}
25	03/27	(H)	Conference Report Adopted {Vote}
26	03/28	(H)	Enrolled Bill Signed

27 03/29 (S) Enrolled Bill Signed
28 04/14 Approved by Governor

Amendments:

[H] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[H] Amendment No 2 (Cmte Sub)***Adopted*** Voice Vote
[H] Amendment No 3 (Cmte Sub)***Adopted*** Voice Vote
[S] Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 2 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 424

Conference Reports:
Conference Report

----- Additional Information -----

House Committee: Transportation, Appropriations
Senate Committee: Highways and Transportation, Appropriations

Principal Author: Morgan
Additional Authors: Haney, Johnson, Ladner, Lamar, Mangold, McLeod, Pigott, Scoggin, Young

Title: AN ACT TO DESIGNATE A SEGMENT OF HIGHWAY 44 LOCATED IN MARION COUNTY, MISSISSIPPI, AS THE "T.L. WALLACE MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 603 LOCATED IN HANCOCK COUNTY, MISSISSIPPI, AS THE "LIEUTENANT DEPUTY MICHAEL ANTHONY BOUTTE, SR., MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 63 LOCATED IN JACKSON COUNTY, MISSISSIPPI, AS THE "DEPUTY U.S. MARSHAL JOSIE LAMAR WELLS MEMORIAL HIGHWAY"; TO DESIGNATE A BRIDGE ON MISSISSIPPI HIGHWAY 609 IN JACKSON COUNTY, MISSISSIPPI, AS THE "MARK M. SEYMOUR, SR., MEMORIAL BRIDGE"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 35 IN SMITH COUNTY, MISSISSIPPI, AS THE "SENATOR BILLY H. THAMES MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Morgan, Haney, Johnson, Ladner, Lamar, Mangold, McLeod, Pigott, Scoggin, Young

To: Transportation; Appropriations

HOUSE BILL NO. 424
(As Sent to Governor)

AN ACT TO DESIGNATE A SEGMENT OF HIGHWAY 44 LOCATED IN MARION COUNTY, MISSISSIPPI, AS THE "T.L. WALLACE MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 603 LOCATED IN HANCOCK COUNTY, MISSISSIPPI, AS THE "LIEUTENANT DEPUTY MICHAEL ANTHONY BOUTTE, SR., MEMORIAL HIGHWAY"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 63 LOCATED IN JACKSON COUNTY, MISSISSIPPI, AS THE "DEPUTY U.S. MARSHAL JOSIE LAMAR WELLS MEMORIAL HIGHWAY"; TO DESIGNATE A BRIDGE ON MISSISSIPPI HIGHWAY 609 IN JACKSON COUNTY, MISSISSIPPI, AS THE "MARK M. SEYMOUR, SR., MEMORIAL BRIDGE"; TO DESIGNATE A SEGMENT OF MISSISSIPPI HIGHWAY 35 IN SMITH COUNTY, MISSISSIPPI, AS THE "SENATOR BILLY H. THAMES MEMORIAL HIGHWAY"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The segment of Mississippi Highway 44 located in Marion County, Mississippi, beginning at its intersection with Mississippi Highway 13 and extending westerly to the Pearl River Bridge is designated and shall be known as the "T.L. Wallace Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 2. (1) The segment of Mississippi Highway 603 located in Hancock County, Mississippi, beginning at its

intersection with Mississippi Highway 43 and extending northerly to its intersection with Rocky-Hill Dedeaux Road is designated and shall be known as the "Lieutenant Deputy Michael Anthony Boutte, Sr., Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 3. (1) The segment of Mississippi Highway 63 located in Jackson County, Mississippi, beginning at a point one-half (1/2) mile south of its intersection with Polktown Road and extending northerly to a point one-half (1/2) mile north of its intersection with Polktown Road is designated and shall be known as the "Deputy U.S. Marshal Josie Lamar Wells Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 4. (1) The bridge on Mississippi Highway 609 located in Jackson County, Mississippi, known as the Old Fort Bayou Bridge, is designated and shall be known as the "Mark M. Seymour, Sr., Memorial Bridge."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the bridge described in subsection (1) of this section.

SECTION 5. (1) The segment of Mississippi Highway 35 located in Smith County, Mississippi, beginning fifteen hundredths (.15) of a mile north of its intersection with Cottonwood Drive and extending southerly to a point one-half (1/2) mile south of its intersection with Cottonwood Drive, is designated and shall be known as the "Senator Billy H. Thames Memorial Highway."

(2) The Mississippi Department of Transportation shall erect and maintain appropriate signs along and approaching the segment of highway described in subsection (1) of this section.

SECTION 6. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 520

Description: Use tax; revise certain provisions regarding funds distributed to municipalities/counties for road improvements.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	01/27	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/16	(S) Referred To Finance
6	03/02	(S) Title Suff Do Pass As Amended
7	03/09	(S) Amended
8	03/09	(S) Passed As Amended {Vote}
9	03/10	(S) Returned For Concurrence
10	03/17	(H) Decline to Concur/Invite Conf
11	03/23	(H) Conferees Named Lamar,Steverson,Massengill
12	03/24	(S) Conferees Named Harkins,Sparks,Simmons (12th)
13	03/29	(S) Conference Report Filed
14	03/29	(H) Conference Report Filed
15	03/30	(S) Conference Report Adopted {Vote}
16	03/30	(H) Conference Report Adopted {Vote}
17	04/01	(H) Enrolled Bill Signed
18	04/01	(S) Enrolled Bill Signed
19	04/16	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 520

Conference Reports:
Conference Report

Code Section: A 027-0067-0035

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Lamar
Additional Authors: Reynolds, Stamps

Title: AN ACT TO AMEND SECTION 27-67-35, MISSISSIPPI CODE OF 1972, WHICH CREATES SPECIAL FUNDS IN THE STATE TREASURY TO BE USED TO PROVIDE FUNDS TO ASSIST MUNICIPALITIES IN PAYING COSTS ASSOCIATED WITH ROAD AND BRIDGE IMPROVEMENTS AND WATER AND SEWER INFRASTRUCTURE IMPROVEMENTS AND TO ASSIST COUNTIES IN PAYING COSTS ASSOCIATED WITH ROAD AND BRIDGE IMPROVEMENTS, TO PROVIDE THAT A MUNICIPALITY OR COUNTY MAY USE SUCH FUNDS AS A PLEDGE TO PAY ALL OR A PORTION OF DEBT SERVICE ON DEBT ISSUED BY THE MUNICIPALITY OR COUNTY FOR SUCH PURPOSES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Lamar, Reynolds, Stamps To: Ways and Means

HOUSE BILL NO. 520
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-67-35, MISSISSIPPI CODE OF 1972, WHICH CREATES SPECIAL FUNDS IN THE STATE TREASURY TO BE USED TO PROVIDE FUNDS TO ASSIST MUNICIPALITIES IN PAYING COSTS ASSOCIATED WITH ROAD AND BRIDGE IMPROVEMENTS AND WATER AND SEWER INFRASTRUCTURE IMPROVEMENTS AND TO ASSIST COUNTIES IN PAYING COSTS ASSOCIATED WITH ROAD AND BRIDGE IMPROVEMENTS, TO PROVIDE THAT A MUNICIPALITY OR COUNTY MAY USE SUCH FUNDS AS A PLEDGE TO PAY ALL OR A PORTION OF DEBT SERVICE ON DEBT ISSUED BY THE MUNICIPALITY OR COUNTY FOR SUCH PURPOSES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-67-35, Mississippi Code of 1972, is amended as follows:

27-67-35. (1) (a) There is hereby created a special fund in the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. The fund shall consist of monies deposited therein under Section 27-67-31(e) and monies from any other source designated for deposit into such fund. Monies in the fund shall be expended by the Department of Revenue to provide funds to assist municipalities in this state in paying costs associated with (i) repair, maintenance and/or reconstruction of

roads, streets and bridges in municipalities * * *, (ii) repair, maintenance and/or other improvements to water infrastructure and sewer infrastructure and/or (iii) as a pledge to pay all or a portion of debt service on debt issued by a municipality for such purposes. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund.

(b) (i) Subject to the provisions of this paragraph (b) and Section 65-21-31, funds provided to municipalities under this subsection (1) shall be allocated and distributed to municipalities as follows:

1. Three Million Dollars ($3,000,000.00) shall be allocated to all municipalities in equal shares, and

2. The remainder of the funds allocated as follows:

a. One-half (1/2) shall be allocated to municipalities based on the proportion that the population of a municipality according to the most recent federal decennial census bears to the total population of all municipalities in the state according to the most recent federal decennial census, and

b. One-half (1/2) shall be allocated to municipalities based on the proportion that the amount of sales tax revenue distributed to a municipality during the preceding fiscal year under Section 27-65-75(1)(a) bears to the total amount

of sales tax revenue distributed to all municipalities during the preceding fiscal year under Section 27-65-75(1)(a). The Department of Revenue shall distribute funds under this subsection (1) on a semiannual basis with distributions being made in the months of January and July.

(ii) In order to be eligible to receive the full amount of funds allocated for distribution to a municipality during a year under this subsection (1), the municipality must have expended an amount not less than the amount of base expenditures during the previous municipal fiscal year for the purposes described in paragraph (a) of this subsection (1). If a municipality fails to expend such required amount, then the amount of funds allocated for distribution to the municipality shall be reduced by the percentage by which the municipality failed to expend the amount of base expenditures. For the purposes of this subsection (1), "base expenditures" means the average annual expenditures made by a municipality for purposes described in paragraph (a) of this subsection (1) for the five-year period beginning October 1, 2013, and ending September 30, 2018. However, for the purposes of calculating the average annual expenditures for such five-year period, the year within the period with the highest annual expenditures for such purposes and the year within the period with the lowest annual expenditures for such purposes shall be excluded when calculating the average annual expenditures for the five-year period. Expenditure of

grant proceeds, loan proceeds, or the proceeds of bonds issued by a municipality for the purposes described in paragraph (a) of this subsection (1) shall not be considered when calculating the base period. Beginning July 1, 2020, and each succeeding July 1 thereafter, the amount of the base expenditures shall be adjusted and compounded annually by increasing or decreasing such amount by a percentage amount equal to the United States inflation rate for the previous calendar year ending on December 31 as certified by the Department of Revenue. The United States inflation rate for a calendar year shall be the Consumer Price Index for the calendar year for urban consumers as calculated by the Bureau of Labor Statistics of the United States Department of Labor.

(c) The Department of Revenue and the Department of Audit shall have all powers necessary to ensure the proper implementation of this subsection (1).

(2) (a) There is hereby created a special fund in the State Treasury. The fund shall be maintained by the State Treasurer as a separate and special fund, separate and apart from the General Fund of the state. The fund shall consist of monies deposited therein under Section 27-67-31(f) and monies from any other source designated for deposit into such fund. Monies in the fund shall be expended by the Department of Revenue to provide funds to assist counties in this state in paying costs associated with the repair, maintenance and/or reconstruction of roads, streets and bridges in counties and/or as a pledge to pay all or a portion of

debt service on debt issued by a county for such purposes. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund.

(b) (i) Subject to the provisions of this paragraph (b) and Section 65-21-31, funds provided to counties under this subsection (2) shall be allocated and distributed to counties in the following proportions:

1. One-third (1/3) shall be allocated to all counties in equal shares,

2. One-third (1/3) shall be allocated to counties based on the proportion that the total number of rural road miles in a county bears to the total number of rural road miles in all counties of the state, and

3. One-third (1/3) shall be allocated to counties based on the proportion that the rural population of a county bears to the total rural population in all counties of the state, according to the latest federal decennial census.

The Department of Revenue shall distribute funds under this subsection (2) on a semiannual basis with distributions being made in the months of January and July. Rural road miles and rural road population in the counties shall be determined in the same manner as they are determined for the purposes of the distribution formula in Section 65-9-3.

(ii) From and after July 1, 2020, of the funds allocated for distribution to a county during a year under this subsection (2), the maximum amount of such funds that may be distributed to the county during that year shall not exceed the amount of county funds expended by the county during the previous county fiscal year for purposes described in paragraph (a) of this subsection (2). Expenditure of the proceeds of bonds issued by a county to pay costs associated with the repair, maintenance and/or reconstruction of roads, streets and bridges shall not be considered when determining the amount of county funds expended by the county during the previous county fiscal year.

(c) The Department of Revenue and the Department of Audit shall have all powers necessary to ensure the proper implementation of this subsection (2).

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 572

Description: Alcoholic beverages; revise definition of "qualified resort area" under the Local Option Alcoholic Beverage Control Law.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	01/27	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/16	(S) Referred To Finance
6	02/25	(S) Title Suff Do Pass As Amended
7	03/09	(S) Amended
8	03/09	(S) Passed As Amended {Vote}
9	03/10	(S) Returned For Concurrence
10	03/17	(H) Decline to Concur/Invite Conf
11	03/23	(H) Conferees Named Lamar,Zuber,Powell
12	03/24	(S) Conferees Named Harkins,Chassaniol,Carter
13	03/29	(H) Conferees Named Steverson,Zuber,Powell
14	03/29	(S) Conference Report Filed
15	03/29	(H) Conference Report Filed
16	03/30	(H) Conference Report Adopted {Vote}
17	03/30	(H) Reconsidered
18	03/30	(H) Recommitted For Further Conf
19	03/30	(S) Recommitted For Further Conf
20	03/30	(H) Conference Report Filed
21	03/30	(S) Conference Report Filed
22	03/31	(H) Conference Report Adopted {Vote}
23	03/31	(H) Immediate Release
24	03/31	(S) Conference Report Adopted {Vote}
25	04/01	(H) Enrolled Bill Signed
26	04/01	(S) Enrolled Bill Signed
27	04/16	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 572

Conference Reports:

| Conference Report
| Conference Report # 2

Code Section: A 067-0001-0005, A 067-0001-0051

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Busby

Title: AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "QUALIFIED RESORT AREA" UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW; TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE RESTRICTIONS ON THE MANUFACTURING, SALE OR STORAGE OF INTOXICATING LIQUORS WITHIN CERTAIN DISTANCES OF CHURCHES, SCHOOLS AND FUNERAL HOMES SHALL NOT APPLY TO THE SALE OR STORAGE OF ALCOHOLIC BEVERAGES AT CERTAIN LOCATIONS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Busby To: Ways and Means

HOUSE BILL NO. 572
(As Sent to Governor)

AN ACT TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "QUALIFIED RESORT AREA" UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW; TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE RESTRICTIONS ON THE MANUFACTURING, SALE OR STORAGE OF INTOXICATING LIQUORS WITHIN CERTAIN DISTANCES OF CHURCHES, SCHOOLS AND FUNERAL HOMES SHALL NOT APPLY TO THE SALE OR STORAGE OF ALCOHOLIC BEVERAGES AT CERTAIN LOCATIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 67-1-5, Mississippi Code of 1972, as amended by Senate Bill No. 2606, 2021 Regular Session, and House Bill No. 1091, 2021, Regular Session, is amended as follows:

67-1-5. For the purposes of this chapter and unless otherwise required by the context:

(a) "Alcoholic beverage" means any alcoholic liquid, including wines of more than five percent (5%) of alcohol by weight, capable of being consumed as a beverage by a human being, but shall not include light wine, light spirit product and beer, as defined in Section 67-3-3, Mississippi Code of 1972, but shall include native wines and native spirits. The words "alcoholic beverage" shall not include ethyl alcohol manufactured or

distilled solely for fuel purposes or beer of an alcoholic content of more than eight percent (8%) by weight if the beer is legally manufactured in this state for sale in another state.

(b) "Alcohol" means the product of distillation of any fermented liquid, whatever the origin thereof, and includes synthetic ethyl alcohol, but does not include denatured alcohol or wood alcohol.

(c) "Distilled spirits" means any beverage containing more than * * * six percent (6%) of alcohol by weight produced by distillation of fermented grain, starch, molasses or sugar, including dilutions and mixtures of these beverages.

(d) "Wine" or "vinous liquor" means any product obtained from the alcoholic fermentation of the juice of sound, ripe grapes, fruits, honey or berries and made in accordance with the revenue laws of the United States.

(e) "Person" means and includes any individual, partnership, corporation, association or other legal entity whatsoever.

(f) "Manufacturer" means any person engaged in manufacturing, distilling, rectifying, blending or bottling any alcoholic beverage.

(g) "Wholesaler" means any person, other than a manufacturer, engaged in distributing or selling any alcoholic beverage at wholesale for delivery within or without this state when such sale is for the purpose of resale by the purchaser.

(h) "Retailer" means any person who sells, distributes, or offers for sale or distribution, any alcoholic beverage for use or consumption by the purchaser and not for resale.

(i) "State Tax Commission," "commission" or "department" means the Department of Revenue of the State of Mississippi, which shall create a division in its organization to be known as the Alcoholic Beverage Control Division. Any reference to the commission or the department hereafter means the powers and duties of the Department of Revenue with reference to supervision of the Alcoholic Beverage Control Division.

(j) "Division" means the Alcoholic Beverage Control Division of the Department of Revenue.

(k) "Municipality" means any incorporated city or town of this state.

(l) "Hotel" means an establishment within a municipality, or within a qualified resort area approved as such by the department, where, in consideration of payment, food and lodging are habitually furnished to travelers and wherein are located at least twenty (20) adequately furnished and completely separate sleeping rooms with adequate facilities that persons usually apply for and receive as overnight accommodations. Hotels in towns or cities of more than twenty-five thousand (25,000) population are similarly defined except that they must have fifty (50) or more sleeping rooms. Any such establishment described in this paragraph with less than fifty (50) beds shall operate one or

more regular dining rooms designed to be constantly frequented by customers each day. When used in this chapter, the word "hotel" shall also be construed to include any establishment that meets the definition of "bed and breakfast inn" as provided in this section.

(m) "Restaurant" means:

(i) A place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation, which has suitable seating facilities for guests, and which has suitable kitchen facilities connected therewith for cooking an assortment of foods and meals commonly ordered at various hours of the day; the service of such food as sandwiches and salads only shall not be deemed in compliance with this requirement. Except as otherwise provided in this paragraph, no place shall qualify as a restaurant under this chapter unless twenty-five percent (25%) or more of the revenue derived from such place shall be from the preparation, cooking and serving of meals and not from the sale of beverages, or unless the value of food given to and consumed by customers is equal to twenty-five percent (25%) or more of total revenue; or

(ii) Any privately owned business located in a building in a historic district where the district is listed in the National Register of Historic Places, where the building has a total occupancy rating of not less than one thousand (1,000) and where the business regularly utilizes ten thousand (10,000) square

feet or more in the building for live entertainment, including not only the stage, lobby or area where the audience sits and/or stands, but also any other portion of the building necessary for the operation of the business, including any kitchen area, bar area, storage area and office space, but excluding any area for parking. In addition to the other requirements of this subparagraph, the business must also serve food to guests for compensation within the building and derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales to live entertainment in the building, and from the rental of all or part of the facilities of the business in the building to another party for a specific event or function.

(n) "Club" means an association or a corporation:

(i) Organized or created under the laws of this state for a period of five (5) years prior to July 1, 1966;

(ii) Organized not primarily for pecuniary profit but for the promotion of some common object other than the sale or consumption of alcoholic beverages;

(iii) Maintained by its members through the payment of annual dues;

(iv) Owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests;

(v) The affairs and management of which are conducted by a board of directors, board of governors, executive committee, or similar governing body chosen by the members at a regular meeting held at some periodic interval; and

(vi) No member, officer, agent or employee of which is paid, or directly or indirectly receives, in the form of a salary or other compensation any profit from the distribution or sale of alcoholic beverages to the club or to members or guests of the club beyond such salary or compensation as may be fixed and voted at a proper meeting by the board of directors or other governing body out of the general revenues of the club.

The department may, in its discretion, waive the five-year provision of this paragraph. In order to qualify under this paragraph, a club must file with the department, at the time of its application for a license under this chapter, two (2) copies of a list of the names and residences of its members and similarly file, within ten (10) days after the election of any additional member, his name and address. Each club applying for a license shall also file with the department at the time of the application a copy of its articles of association, charter of incorporation, bylaws or other instruments governing the business and affairs thereof.

(o) "Qualified resort area" means any area or locality outside of the limits of incorporated municipalities in this state commonly known and accepted as a place which regularly and

customarily attracts tourists, vacationists and other transients because of its historical, scenic or recreational facilities or attractions, or because of other attributes which regularly and customarily appeal to and attract tourists, vacationists and other transients in substantial numbers; however, no area or locality shall so qualify as a resort area until it has been duly and properly approved as such by the department. The department may not approve an area as a qualified resort area after July 1, 2018, if any portion of such proposed area is located within two (2) miles of a convent or monastery that is located in a county traversed by Interstate 55 and U.S. Highway 98. A convent or monastery may waive such distance restrictions in favor of allowing approval by the department of an area as a qualified resort area. Such waiver shall be in written form from the owner, the governing body, or the appropriate officer of the convent or monastery having the authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.

(i) The department may approve an area or locality outside of the limits of an incorporated municipality that is in the process of being developed as a qualified resort area if such area or locality, when developed, can reasonably be expected to meet the requisites of the definition of the term "qualified resort area." In such a case, the status of qualified resort area shall not take effect until completion of the development.

(ii) The term includes any state park which is declared a resort area by the department; however, such declaration may only be initiated in a written request for resort area status made to the department by the Executive Director of the Department of Wildlife, Fisheries and Parks, and no permit for the sale of any alcoholic beverage, as defined in this chapter, except an on-premises retailer's permit, shall be issued for a hotel, restaurant or bed and breakfast inn in such park.

(iii) The term includes:

1. The clubhouses associated with the state park golf courses at the Lefleur's Bluff State Park, the John Kyle State Park, the Percy Quin State Park and the Hugh White State Park;

2. The clubhouse and associated golf course, tennis courts and related facilities and swimming pool and related facilities where the golf course, tennis courts and related facilities and swimming pool and related facilities are adjacent to one or more planned residential developments and the golf course and all such developments collectively include at least seven hundred fifty (750) acres and at least four hundred (400) residential units;

3. Any facility located on property that is a game reserve with restricted access that consists of at least three thousand (3,000) contiguous acres with no public roads and

that offers as a service hunts for a fee to overnight guests of the facility;

4. Any facility located on federal property surrounding a lake and designated as a recreational area by the United States Army Corps of Engineers that consists of at least one thousand five hundred (1,500) acres;

5. Any facility that is located in a municipality that is bordered by the Pearl River, traversed by Mississippi Highway 25, adjacent to the boundaries of the Jackson International Airport and is located in a county which has voted against coming out from under the dry law; however, any such facility may only be located in areas designated by the governing authorities of such municipality;

6. Any municipality with a population in excess of ten thousand (10,000) according to the latest federal decennial census that is located in a county that is bordered by the Pearl River and is not traversed by Interstate Highway 20, with a population in excess of forty-five thousand (45,000) according to the latest federal decennial census; however, the governing authorities of such a municipality may by ordinance:

a. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must

derive from the preparation, cooking and serving of meals and not from the sale of beverages;

c. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

7. The West Pearl Restaurant Tax District as defined in Chapter 912, Local and Private Laws of 2007;

8. a. Land that is located in any county in which Mississippi Highway 43 and Mississippi Highway 25 intersect and:

A. Owned by the Pearl River Valley Water Supply District, and/or

B. Located within the Reservoir Community District, zoned commercial, east of Old Fannin Road, north of Regatta Drive, south of Spillway Road, west of Hugh Ward Boulevard and accessible by Old Fannin Road, Spillway Road, Spann Drive and/or Lake Vista Place, and/or

C. Located within the Reservoir Community District, zoned commercial, west of Old Fannin Road, south of Spillway Road and extending to the boundary of the corporate limits of the City of Flowood, Mississippi;

b. The board of supervisors of such county, with respect to B and C of item 8.a., may by resolution or other order:

A. Specify the hours of operation of facilities that offer alcoholic beverages for sale,

B. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages, and

C. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

9. Any facility located on property that is a game reserve with restricted access that consists of at least eight hundred (800) contiguous acres with no public roads, that offers as a service hunts for a fee to overnight guests of the facility, and has accommodations for at least fifty (50) overnight guests;

10. Any facility that:

a. Consists of at least six thousand (6,000) square feet being heated and cooled along with an additional adjacent area that consists of at least two thousand two hundred (2,200) square feet regardless of whether heated and cooled,

b. For a fee is used to host events such as weddings, reunions and conventions,

c. Provides lodging accommodations regardless of whether part of the facility and/or located adjacent to or in close proximity to the facility, and

d. Is located on property that consists of at least thirty (30) contiguous acres;

11. Any facility and related property:

a. Located on property that consists of at least one hundred twenty-five (125) contiguous acres and consisting of an eighteen (18) hole golf course, and/or located in a facility that consists of at least eight thousand (8,000) square feet being heated and cooled,

b. Used for the purpose of providing meals and hosting events, and

c. Used for the purpose of teaching culinary arts courses and/or turf management and grounds keeping courses, and/or outdoor recreation and leadership courses;

12. Any facility and related property that:

a. Consist of at least eight thousand (8,000) square feet being heated and cooled,

b. For a fee is used to host events,

c. Is used for the purpose of culinary arts courses, and/or live entertainment courses and art performances, and/or outdoor recreation and leadership courses;

13. The clubhouse and associated golf course where the golf course is adjacent to one or more residential developments and the golf course and all such developments collectively include at least two hundred (200) acres and at least one hundred fifty (150) residential units and are located a. in a county that has voted against coming out from under the dry law; and b. outside of but in close proximity to a municipality in such

county which has voted under Section 67-1-14, after January 1, 2013, to come out from under the dry law;

14. The clubhouse and associated eighteen (18) hole golf course located in a municipality traversed by Interstate Highway 55 and U.S. Highway 51 that has voted to come out from under the dry law;

15. a. Land that is planned for mixed use development and consists of at least two hundred (200) contiguous acres with one or more planned residential developments collectively planned to include at least two hundred (200) residential units when completed, and also including a facility that consists of at least four thousand (4,000) square feet that is not part of such land but is located adjacent to or in close proximity thereto, and which land is located:

* * * A. In a county that has voted to come out from under the dry law,

* * * B. Outside the corporate limits of any municipality in such county and adjacent to or in close proximity to a golf course located in a municipality in such county, and

* * * C. Within one (1) mile of a state institution of higher learning;

b. The board of supervisors of such county may by resolution or other order:

A. Specify the hours of operation of facilities that offer alcoholic beverages for sale,

B. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages, and

C. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

16. Any facility with a capacity of five hundred (500) people or more, to be used as a venue for private events, on a tract of land in the Southwest Quarter of Section 33, Township 2 South, Range 7 East, of a county where U.S. Highway 45 and U.S. Highway 72 intersect and that has not voted to come out from under the dry law;

17. One hundred five (105) contiguous acres, more or less, located in Hinds County, Mississippi, and in the City of Jackson, Mississippi, whereon are constructed a variety of buildings, improvements, grounds or objects for the purpose of holding events thereon to promote agricultural and industrial development in Mississippi;

18. Land that is owned by a state institution of higher learning and:

a. Located entirely within a county that has elected by majority vote not to permit the transportation,

storage, sale, distribution, receipt and/or manufacture of light wine and beer pursuant to Section 67-3-7, and

b. Adjacent to but outside the incorporated limits of a municipality that has elected by majority vote to permit the sale, receipt, storage and transportation of light wine and beer pursuant to Section 67-3-9.

If any portion of the land described in this item 18 has been declared a qualified resort area by the department before July 1, 2020, then that qualified resort area shall be incorporated into the qualified resort area created by this item 18;

19. Any facility and related property:

a. Used as a flea market or similar venue during a weekend (Saturday and Sunday) immediately preceding the first Monday of a month and having an annual average of at least one thousand (1,000) visitors for each such weekend and five hundred (500) vendors for Saturday of each such weekend, and

b. Located in a county that has not voted to come out from under the dry law and outside of but in close proximity to a municipality located in such county and which municipality has voted to come out from under the dry law;

20. Blocks 1, 2 and 3 of the original town square in any municipality with a population in excess of one thousand five hundred (1,500) according to the latest federal decennial census and which is located in:

a. A county traversed by Interstate 55 and Interstate 20, and

b. A judicial district that has not voted to come out from under the dry law;

21. Any municipality with a population in excess of two thousand (2,000) according to the latest federal decennial census and in which is located a part of White's Creek Lake and in which U.S. Highway 82 intersects with Mississippi Highway 9 and located in a county that is partially bordered on one (1) side by the Big Black River; however, the governing authorities of such a municipality may by ordinance:

a. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and

c. Designate the areas in which facilities that offer alcoholic beverages for sale may be located * * *;

22. A restaurant located on a two-acre tract adjacent to a five-hundred-fifty-acre lake in the northeast corner of a county traversed by U.S. Interstate 55 and U.S. Highway 84 * * *;

23. Any tracts of land in Oktibbeha County, situated * * * north of Bailey Howell Drive, Lee Boulevard and Old Mayhew Road, east of George Perry Street and south of Mississippi Highway 182, and not located on the property of a state institution of higher learning * * *; however, the board of supervisors of such county may by resolution or other order:

a. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and

c. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

24. A municipality in which Mississippi Highway 27 and Mississippi Highway 28 intersect; however, the governing authorities of such a municipality may by ordinance:

a. Specify the hours of operation of facilities offering alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities offering alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and

c. Designate the areas in which facilities offering alcoholic beverages for sale may be located;

25. A municipality through which run Mississippi Highway 35 and Interstate 20; however, the governing authorities of such a municipality may by ordinance:

a. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and

c. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

26. A municipality in which Mississippi Highway 16 and Mississippi Highway 35 intersect; however, the governing authorities of such a municipality may by ordinance:

a. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and

c. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

27. A municipality in which U.S. Highway 82 and Old Highway 61 intersect; however, the governing authorities of such a municipality may by ordinance:

a. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and

c. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

28. A municipality in which Mississippi Highway 8 meets Mississippi Highway 1; however, the governing authorities of such a municipality may by ordinance:

a. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and

c. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

29. A municipality in which U.S. Highway 82 and Mississippi Highway 1 intersect; however, the governing authorities of such a municipality may by ordinance:

a. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and

c. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

30. A municipality in which Mississippi Highway 50 meets Mississippi Highway 9; however, the governing authorities of such a municipality may by ordinance:

a. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and

c. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

31. An area bounded on the north by Pearl Street, on the east by West Street, on the south by Court Street and on the west by Farish Street, within a municipality bordered on the east by the Pearl River and through which run Interstate 20 and Interstate 55; however, the governing authorities of the municipality in which such area is located may by ordinance:

a. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and

c. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

32. Any facility and related property that:

a. Is contracted for mixed-use development improvements consisting of office and residential space and a restaurant and lounge, partially occupying the renovated space of a four-story commercial building which previously served as a financial institution; and adjacent property to the west consisting of a single-story office building that was originally occupied by the Brotherhood of Carpenters and Joiners of American Local Number 569; and

b. Is situated on a tract of land consisting of approximately one and one-tenth (1.10) acres, and the adjacent property to the west consisting of approximately 0.5 acres, located in a municipality which is the seat of county government, situated south of Interstate 10, traversed by U.S. Highway 90, partially bordered on one (1) side by the Pascagoula River and having its most southern boundary bordered by the Gulf of Mexico, with a population greater than twenty-two thousand (22,000) according to the 2010 federal decennial census; however, the governing authorities of such a municipality may by ordinance:

A. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

B. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and

C. Designate the areas within the facilities in which alcoholic beverages may be offered for sale;

33. Any facility with a maximum capacity of one hundred twenty (120) people that consists of at least three thousand (3,000) square feet being heated and cooled, has a commercial kitchen, has a pavilion that consists of at least nine thousand (9,000) square feet and is located on land more particularly described as follows:

All that part of the East Half of the Northwest Quarter of Section 21, Township 7 South, Range 4 East, Union County, Mississippi, that lies South of Mississippi State Highway 348 right-of-way and containing 19.48 acres, more or less.

ALSO,

The Northeast 38 acres of the Southwest Quarter of Section 21, Township 7 South, Range 4 East, Union County, Mississippi.

ALSO,

The South 81 1/2 acres of the Southwest Quarter of Section 21, Township 7 South, Range 4 East, Union County, Mississippi; and

34. A municipality in which U.S. Highway 51 and Mississippi Highway 16 intersect; however, the governing authorities of such a municipality may by ordinance:

a. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and

c. Designate the areas in which facilities that offer alcoholic beverages for sale may be located.

The status of these municipalities, districts, clubhouses, facilities, golf courses and areas described in subparagraph (iii) of this paragraph (o) as qualified resort areas does not require any declaration of same by the department.

(p) "Native wine" means any product, produced in Mississippi for sale, having an alcohol content not to exceed twenty-one percent (21%) by weight and made in accordance with revenue laws of the United States, which shall be obtained primarily from the alcoholic fermentation of the juice of ripe grapes, fruits, berries, honey or vegetables grown and produced in Mississippi; provided that bulk, concentrated or fortified wines

used for blending may be produced without this state and used in producing native wines. The department shall adopt and promulgate rules and regulations to permit a producer to import such bulk and/or fortified wines into this state for use in blending with native wines without payment of any excise tax that would otherwise accrue thereon.

(q) "Native winery" means any place or establishment within the State of Mississippi where native wine is produced, in whole or in part, for sale.

(r) "Bed and breakfast inn" means an establishment within a municipality where in consideration of payment, breakfast and lodging are habitually furnished to travelers and wherein are located not less than eight (8) and not more than nineteen (19) adequately furnished and completely separate sleeping rooms with adequate facilities, that persons usually apply for and receive as overnight accommodations; however, such restriction on the minimum number of sleeping rooms shall not apply to establishments on the National Register of Historic Places. No place shall qualify as a bed and breakfast inn under this chapter unless on the date of the initial application for a license under this chapter more than fifty percent (50%) of the sleeping rooms are located in a structure formerly used as a residence.

(s) "Board" shall refer to the Board of Tax Appeals of the State of Mississippi.

(t) "Spa facility" means an establishment within a municipality or qualified resort area and owned by a hotel where, in consideration of payment, patrons receive from licensed professionals a variety of private personal care treatments such as massages, facials, waxes, exfoliation and hairstyling.

(u) "Art studio or gallery" means an establishment within a municipality or qualified resort area that is in the sole business of allowing patrons to view and/or purchase paintings and other creative artwork.

(v) "Cooking school" means an establishment within a municipality or qualified resort area and owned by a nationally recognized company that offers an established culinary education curriculum and program where, in consideration of payment, patrons are given scheduled professional group instruction on culinary techniques. For purposes of this paragraph, the definition of cooking school shall not include schools or classes offered by grocery stores, convenience stores or drugstores.

(w) "Campus" means property owned by a public school district, community or junior college, college or university in this state where educational courses are taught, school functions are held, tests and examinations are administered or academic course credits are awarded; however, the term shall not include any "restaurant" or "hotel" that is located on property owned by a community or junior college, college or university in this state,

and is operated by a third party who receives all revenue generated from food and alcoholic beverage sales.

(x) "Native spirit" shall mean any beverage, produced in Mississippi for sale, manufactured primarily by the distillation of fermented grain, starch, molasses or sugar produced in Mississippi, including dilutions and mixtures of these beverages. In order to be classified as "native spirit" under the provisions of this chapter, at least fifty-one percent (51%) of the finished product by volume shall have been obtained from distillation of fermented grain, starch, molasses or sugar grown and produced in Mississippi.

(y) "Native distillery" shall mean any place or establishment within this state where native spirit is produced in whole or in part for sale.

SECTION 2. Section 67-1-51, Mississippi Code of 1972, as amended by House Bill No. 1135, 2021 Regular Session, House Bill No. 1288, 2021 Regular Session, Senate Bill No. 2606, 2021 Regular Session, Senate Bill No. 2435, 2021 Regular Session and House Bill No. 1091, 2021 Regular Session, is amended as follows:

67-1-51. (1) Permits which may be issued by the department shall be as follows:

(a) **Manufacturer's permit.** A manufacturer's permit shall permit the manufacture, importation in bulk, bottling and storage of alcoholic liquor and its distribution and sale to manufacturers holding permits under this chapter in this state and

to persons outside the state who are authorized by law to purchase the same, and to sell as provided by this chapter.

Manufacturer's permits shall be of the following classes:

Class 1. Distiller's and/or rectifier's permit, which shall authorize the holder thereof to operate a distillery for the production of distilled spirits by distillation or redistillation and/or to operate a rectifying plant for the purifying, refining, mixing, blending, flavoring or reducing in proof of distilled spirits and alcohol.

Class 2. Wine manufacturer's permit, which shall authorize the holder thereof to manufacture, import in bulk, bottle and store wine or vinous liquor.

Class 3. Native wine producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native wines.

Class 4. Native spirit producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native spirits.

(b) **Package retailer's permit.** Except as otherwise provided in this paragraph and Section 67-1-52, a package retailer's permit shall authorize the holder thereof to operate a store exclusively for the sale at retail in original sealed and unopened packages of alcoholic beverages, including native wines and native spirits, not to be consumed on the premises where sold. Alcoholic beverages shall not be sold by any retailer in any

package or container containing less than fifty (50) milliliters by liquid measure. A package retailer's permit, with prior approval from the department, shall authorize the holder thereof to sample new product furnished by a manufacturer's representative or his employees at the permitted place of business so long as the sampling otherwise complies with this chapter and applicable department regulations. Such samples may not be provided to customers at the permitted place of business. In addition to the sale at retail of packages of alcoholic beverages, the holder of a package retailer's permit is authorized to sell at retail corkscrews, wine glasses, soft drinks, ice, juices, mixers and other beverages commonly used to mix with alcoholic beverages. Nonalcoholic beverages sold by the holder of a package retailer's permit shall not be consumed on the premises where sold.

(c) **On-premises retailer's permit.** Except as otherwise provided in subsection (5) of this section, an on-premises retailer's permit shall authorize the sale of alcoholic beverages, including native wines and native spirits, for consumption on the licensed premises only; however, a patron of the permit holder may remove one (1) bottle of wine from the licensed premises if: (i) the patron consumed a portion of the bottle of wine in the course of consuming a meal purchased on the licensed premises; (ii) the permit holder securely reseals the bottle; (iii) the bottle is placed in a bag that is secured in a manner so that it will be visibly apparent if the bag is opened; and (iv) a dated receipt

for the wine and the meal is available. Additionally, as part of a carryout order, a permit holder may sell one (1) bottle of wine to be removed from the licensed premises for every two (2) entrees ordered. Such a permit shall be issued only to qualified hotels, restaurants and clubs, small craft breweries, microbreweries, and to common carriers with adequate facilities for serving passengers. In resort areas, whether inside or outside of a municipality, the department, in its discretion, may issue on-premises retailer's permits to such establishments as it deems proper. An on-premises retailer's permit when issued to a common carrier shall authorize the sale and serving of alcoholic beverages aboard any licensed vehicle while moving through any county of the state; however, the sale of such alcoholic beverages shall not be permitted while such vehicle is stopped in a county that has not legalized such sales. If an on-premises retailer's permit is applied for by a common carrier operating solely in the water, such common carrier must, along with all other qualifications for a permit, (i) be certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers and (ii) operate primarily in the waters within the State of Mississippi which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi and/or on the Mississippi River or navigable waters within any county bordering on the Mississippi River.

(d) **Solicitor's permit.** A solicitor's permit shall authorize the holder thereof to act as salesman for a manufacturer or wholesaler holding a proper permit, to solicit on behalf of his employer orders for alcoholic beverages, and to otherwise promote his employer's products in a legitimate manner. Such a permit shall authorize the representation of and employment by one (1) principal only. However, the permittee may also, in the discretion of the department, be issued additional permits to represent other principals. No such permittee shall buy or sell alcoholic beverages for his own account, and no such beverage shall be brought into this state in pursuance of the exercise of such permit otherwise than through a permit issued to a wholesaler or manufacturer in the state.

(e) **Native wine retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native wine retailer's permit shall be issued only to a holder of a Class 3 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native wines to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native winery. When selling to consumers for on-premises consumption, a holder of a native wine retailer's permit may add to the native wine alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%)

of the mixed beverage. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native wine retailer is located.

(f) **Temporary retailer's permit.** Except as otherwise provided in subsection (5) of this section, a temporary retailer's permit shall permit the purchase and resale of alcoholic beverages, including native wines and native spirits, during legal hours on the premises described in the temporary permit only.

Temporary retailer's permits shall be of the following classes:

Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the sale of alcoholic beverages, including native wine and native spirit, for consumption on the premises described in the temporary permit only. Class 1 permits may be issued only to applicants demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days prior to the proposed date or such other time as the department may determine, that they meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all alcoholic beverages from package retailers located in the county in which the temporary permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary permit may be returned by the permittee to the package retailer for a refund of the purchase

price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2. A temporary permit, not to exceed seventy (70) days, may be issued to prospective permittees seeking to transfer a permit authorized in paragraph (c) of this subsection. A Class 2 permit may be issued only to applicants demonstrating to the department, by a statement signed under the penalty of perjury, that they meet the qualifications of Sections 67-1-5(l), (m), (n), (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and 67-1-59. The department, following a preliminary review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2 temporary permittees must purchase their alcoholic beverages directly from the department or, with approval of the department, purchase the remaining stock of the previous permittee. If the proposed applicant of a Class 1 or Class 2 temporary permit falsifies information contained in the application or statement, the applicant shall never again be eligible for a retail alcohol beverage permit and shall be subject to prosecution for perjury.

Class 3. A temporary one-day permit may be issued to a retail establishment authorizing the complimentary distribution of wine, including native wine, to patrons of the retail establishment at an open house or promotional event, for consumption only on the premises described in the temporary permit. A Class 3 permit may be issued only to an applicant demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days before the proposed date or such other time as the department may determine, that it meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. A Class 3 permit holder shall obtain all alcoholic beverages from the holder(s) of a package retailer's permit located in the county in which the temporary permit is issued. Wine remaining in stock upon expiration of the temporary permit may be returned by the Class 3 temporary permit holder to the package retailer for a refund of the purchase price, with consent of the package retailer, or may be kept by the Class 3 temporary permit holder exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. No retailer may receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to

a retail establishment that either holds a merchant permit issued under paragraph (l) of this subsection, or holds a permit issued under Chapter 3, Title 67, Mississippi Code of 1972, authorizing the holder to engage in the business of a retailer of light wine or beer.

(g) **Caterer's permit.** A caterer's permit shall permit the purchase of alcoholic beverages by a person engaging in business as a caterer and the resale of alcoholic beverages by such person in conjunction with such catering business. No person shall qualify as a caterer unless forty percent (40%) or more of the revenue derived from such catering business shall be from the serving of prepared food and not from the sale of alcoholic beverages and unless such person has obtained a permit for such business from the Department of Health. A caterer's permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in business as a caterer; however, the holder of an on-premises retailer's permit may hold a caterer's permit. When the holder of an on-premises retailer's permit or an affiliated entity of the holder also holds a caterer's permit, the caterer's permit shall not authorize the service of alcoholic beverages on a consistent, recurring basis at a separate, fixed location owned or operated by the caterer, on-premises retailer or affiliated entity and an on-premises retailer's permit shall be required for the separate location. All sales of alcoholic beverages by holders of a caterer's permit shall be made at the

location being catered by the caterer, and, except as otherwise provided in subsection (5) of this section, such sales may be made only for consumption at the catered location. The location being catered may be anywhere within a county or judicial district that has voted to come out from under the dry laws or in which the sale and distribution of alcoholic beverages is otherwise authorized by law. Such sales shall be made pursuant to any other conditions and restrictions which apply to sales made by on-premises retail permittees. The holder of a caterer's permit or his employees shall remain at the catered location as long as alcoholic beverages are being sold pursuant to the permit issued under this paragraph (g), and the permittee shall have at the location the identification card issued by the Alcoholic Beverage Control Division of the department. No unsold alcoholic beverages may be left at the catered location by the permittee upon the conclusion of his business at that location. Appropriate law enforcement officers and Alcoholic Beverage Control Division personnel may enter a catered location on private property in order to enforce laws governing the sale or serving of alcoholic beverages.

(h) **Research permit.** A research permit shall authorize the holder thereof to operate a research facility for the professional research of alcoholic beverages. Such permit shall authorize the holder of the permit to import and purchase limited amounts of alcoholic beverages from the department or from

importers, wineries and distillers of alcoholic beverages for professional research.

(i) **Alcohol processing permit.** An alcohol processing permit shall authorize the holder thereof to purchase, transport and possess alcoholic beverages for the exclusive use in cooking, processing or manufacturing products which contain alcoholic beverages as an integral ingredient. An alcohol processing permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in the business of cooking, processing or manufacturing products which contain alcoholic beverages. The amounts of alcoholic beverages allowed under an alcohol processing permit shall be set by the department.

(j) **Hospitality cart permit.** A hospitality cart permit shall authorize the sale of alcoholic beverages from a mobile cart on a golf course that is the holder of an on-premises retailer's permit. The alcoholic beverages sold from the cart must be consumed within the boundaries of the golf course.

(k) **Special service permit.** A special service permit shall authorize the holder to sell commercially sealed alcoholic beverages to the operator of a commercial or private aircraft for en route consumption only by passengers. A special service permit shall be issued only to a fixed-base operator who contracts with an airport facility to provide fueling and other associated services to commercial and private aircraft.

(l) **Merchant permit.** Except as otherwise provided in subsection (5) of this section, a merchant permit shall be issued only to the owner of a spa facility, an art studio or gallery, or a cooking school, and shall authorize the holder to serve complimentary by the glass wine only, including native wine, at the holder's spa facility, art studio or gallery, or cooking school. A merchant permit holder shall obtain all wine from the holder of a package retailer's permit.

(m) **Temporary alcoholic beverages charitable auction permit.** A temporary permit, not to exceed five (5) days, may be issued to a qualifying charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code of 1986. The permit shall authorize the holder to sell alcoholic beverages for the limited purpose of raising funds for the organization during a live or silent auction that is conducted by the organization and that meets the following requirements: (i) the auction is conducted in an area of the state where the sale of alcoholic beverages is authorized; (ii) if the auction is conducted on the premises of an on-premises retailer's permit holder, then the alcoholic beverages to be auctioned must be stored separately from the alcoholic beverages sold, stored or served on the premises, must be removed from the premises immediately following the auction, and may not be consumed on the premises; (iii) the permit holder may not conduct more than two (2) auctions during a calendar year; (iv) the permit

holder may not pay a commission or promotional fee to any person to arrange or conduct the auction.

(n) **Event venue retailer's permit.** An event venue retailer's permit shall authorize the holder thereof to purchase and resell alcoholic beverages, including native wines and native spirits, for consumption on the premises during legal hours during events held on the licensed premises if food is being served at the event by a caterer who is not affiliated with or related to the permittee. The caterer must serve at least three (3) entrees. The permit may only be issued for venues that can accommodate two hundred (200) persons or more. The number of persons a venue may accommodate shall be determined by the local fire department and such determination shall be provided in writing and submitted along with all other documents required to be provided for an on-premises retailer's permit. The permittee must derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales for live entertainment in the building. "Event-related fees" do not include alcohol, beer or light wine sales or any fee which may be construed to cover the cost of alcohol, beer or light wine. This determination shall be made on a per event basis. An event may not last longer than two (2) consecutive days per week.

(o) **Temporary theatre permit.** A temporary theatre permit, not to exceed five (5) days, may be issued to a charitable nonprofit organization that is exempt from taxation under Section

501(c)(3) or (4) of the Internal Revenue Code and owns or operates a theatre facility that features plays and other theatrical performances and productions. Except as otherwise provided in subsection (5) of this section, the permit shall authorize the holder to sell alcoholic beverages, including native wines and native spirits, to patrons of the theatre during performances and productions at the theatre facility for consumption during such performances and productions on the premises of the facility described in the permit. A temporary theatre permit holder shall obtain all alcoholic beverages from package retailers located in the county in which the permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary theatre permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages.

(p) **Charter ship operator's permit.** Subject to the provisions of this paragraph (p), a charter ship operator's permit shall authorize the holder thereof and its employees to serve, monitor, store and otherwise control the serving and availability of alcoholic beverages to customers of the permit holder during private charters under contract provided by the permit holder. A charter ship operator's permit shall authorize such action by the permit holder and its employees only as to alcoholic beverages

brought onto the permit holder's ship by customers of the permit holder as part of such a private charter. All such alcoholic beverages must be removed from the charter ship at the conclusion of each private charter. A charter ship operator's permit shall not authorize the permit holder to sell, charge for or otherwise supply alcoholic beverages to customers, except as authorized in this paragraph (p). For the purposes of this paragraph (p), "charter ship operator" means a common carrier that (i) is certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers, (ii) operates only in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, and (iii) provides charters under contract for tours and trips in such waters.

(q) **Distillery retailer's permit.** The holder of a Class 1 manufacturer's permit may obtain a distillery retailer's permit. A distillery retailer's permit shall authorize the holder thereof to sell at retail alcoholic beverages to consumers for on-premises consumption, or to consumers by the sealed and unopened bottle from a retail location at the distillery for off-premises consumption. The holder may only sell product manufactured by the manufacturer at the distillery described in the permit. However, when selling to consumers for on-premises consumption, a holder of a distillery retailer's permit may add

other beverages, alcoholic or not, so long as the total volume of other beverage components containing alcohol does not exceed twenty percent (20%). Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the distillery retailer is located.

The holder shall not sell at retail more than ten percent (10%) of the alcoholic beverages produced annually at its distillery. The holder shall not make retail sales of more than two and twenty-five one-hundredths (2.25) liters, in the aggregate, of the alcoholic beverages produced at its distillery to any one (1) individual for consumption off the premises of the distillery within a twenty-four-hour period. The hours of sale shall be the same as those hours for package retailers under this chapter. The holder of a distillery retailer's permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse; however, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder shall pay to the department all taxes, fees and surcharges on the alcoholic beverages that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. In addition to alcoholic beverages, the holder of a distillery retailer's permit may sell at retail promotional products from the same retail location,

including shirts, hats, glasses, and other promotional products customarily sold by alcoholic beverage manufacturers.

(r) **Festival Wine Permit.** Any wine manufacturer or native wine producer permitted by Mississippi or any other state is eligible to obtain a Festival Wine Permit. This permit authorizes the entity to transport product manufactured by it to festivals held within the State of Mississippi and sell sealed, unopened bottles to festival participants. The holder of this permit may provide samples at no charge to participants. "Festival" means any event at which three (3) or more vendors are present at a location for the sale or distribution of goods. The holder of a Festival Wine Permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse. However, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder of this permit shall pay to the department all taxes, fees and surcharges on the alcoholic beverages sold at such festivals that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. Additionally, the entity shall file all applicable reports and returns as prescribed by the department. This permit is issued per festival and provides authority to sell for two (2) consecutive days during the hours authorized for on-premises permittees' sales in that county or city. The holder of the

permit shall be required to maintain all requirements set by Local Option Law for the service and sale of alcoholic beverages. This permit may be issued to entities participating in festivals at which a Class 1 temporary permit is in effect.

This paragraph (r) shall stand repealed from and after July 1, 2023.

(s) **Charter vessel operator's permit.** Subject to the provisions of this paragraph (s), a charter vessel operator's permit shall authorize the holder thereof and its employees to sell and serve alcoholic beverages to passengers of the permit holder during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder. The permit shall authorize the holder to only sell alcoholic beverages, including native wines, to passengers of the charter vessel operator during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder aboard the charter vessel operator for consumption during such tours and cruises on the premises of the charter vessel operator described in the permit. For the purposes of this paragraph (s), "charter vessel operator" means a common carrier that (i) is certified to carry at least forty-nine (49) passengers, (ii) operates only in the waters within the State of Mississippi, which lie south of Interstate-10 in the three (3) most southern counties in the State of Mississippi, and lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi,

extending not further than one (1) mile south of such counties, and (iii) provides vessel services for tours and cruises in such waters as provided in this paragraph (s).

(* * *t) **Native spirit retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native spirit retailer's permit shall be issued only to a holder of a Class 4 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native spirits to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native distillery. When selling to consumers for on-premises consumption, a holder of a native spirit retailer's permit may add to the native spirit alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%) of the mixed beverage. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native spirit retailer is located.

(u) **Delivery service permit.** Any individual, limited liability company, corporation or partnership registered to do business in this state is eligible to obtain a delivery service permit. Subject to the provisions of Section 1 of House Bill No. 1135, 2021 Regular Session, this permit authorizes the permittee, or its employee or an independent contractor acting on its behalf, to deliver alcoholic beverages, beer, light wine and light spirit

product from a licensed retailer to a person in this state who is at least twenty-one (21) years of age for the individual's use and not for resale. This permit does not authorize the delivery of alcoholic beverages, beer, light wine or light spirit product to the premises of a location with a permit for the manufacture, distribution or retail sale of alcoholic beverages, beer, light wine or light spirit product. The holder of a package retailer's permit or an on-premises retailer's permit under Section 67-1-51 or of a beer, light wine and light spirit product permit under Section 67-3-19 is authorized to apply for a delivery service permit as a privilege separate from its existing retail permit.

(2) Except as otherwise provided in subsection (4) of this section, retail permittees may hold more than one (1) retail permit, at the discretion of the department.

(3) (a) Except as otherwise provided in this subsection, no authority shall be granted to any person to manufacture, sell or store for sale any intoxicating liquor as specified in this chapter within four hundred (400) feet of any church, school, kindergarten or funeral home. However, within an area zoned commercial or business, such minimum distance shall be not less than one hundred (100) feet.

(b) A church or funeral home may waive the distance restrictions imposed in this subsection in favor of allowing issuance by the department of a permit, pursuant to subsection (1) of this section, to authorize activity relating to the

manufacturing, sale or storage of alcoholic beverages which would otherwise be prohibited under the minimum distance criterion. Such waiver shall be in written form from the owner, the governing body, or the appropriate officer of the church or funeral home having the authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.

(c) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a bed and breakfast inn listed in the National Register of Historic Places or to the sale or storage of alcoholic beverages in a historic district that is listed in the National Register of Historic Places, is a qualified resort area and is located in a municipality having a population greater than one hundred thousand (100,000) according to the latest federal decennial census.

(d) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a qualified resort area as defined in Section 67-1-5(o)(iii)32.

(e) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building formerly owned by a municipality and formerly leased by the municipality to a

municipal school district and used by the municipal school district as a district bus shop facility.

(f) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building consisting of at least five thousand (5,000) square feet and located approximately six hundred (600) feet from the intersection of Mississippi Highway 15 and Mississippi Highway 4.

(g) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building located at the southeast corner of Ward and Tate Streets in the City of Senatobia, Mississippi.

(4) No person, either individually or as a member of a firm, partnership, limited liability company or association, or as a stockholder, officer or director in a corporation, shall own or control any interest in more than one (1) package retailer's permit, nor shall such person's spouse, if living in the same household of such person, any relative of such person, if living in the same household of such person, or any other person living in the same household with such person own any interest in any other package retailer's permit.

(5) (a) In addition to any other authority granted under this section, the holder of a permit issued under subsection (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may

sell or otherwise provide alcoholic beverages and/or wine to a patron of the permit holder in the manner authorized in the permit and the patron may remove an open glass, cup or other container of the alcoholic beverage and/or wine from the licensed premises and may possess and consume the alcoholic beverage or wine outside of the licensed premises if: (i) the licensed premises is located within a leisure and recreation district created under Section 67-1-101 and (ii) the patron remains within the boundaries of the leisure and recreation district while in possession of the alcoholic beverage or wine.

(b) Nothing in this subsection shall be construed to allow a person to bring any alcoholic beverages into a permitted premises except to the extent otherwise authorized by this chapter.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 594

Description: Coastal Wetlands Protection Act; revise definitions to include "ordinary high water mark".

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Marine Resources
2	01/27	(H) Title Suff Do Pass
3	02/04	(H) Passed {Vote}
4	02/05	(H) Transmitted To Senate
5	02/26	(S) Referred To Ports and Marine Resources
6	03/02	(S) Title Suff Do Pass As Amended
7	03/09	(S) Amended
8	03/09	(S) Passed As Amended {Vote}
9	03/10	(S) Returned For Concurrence
10	03/16	(H) Decline to Concur/Invite Conf
11	03/22	(H) Conferees Named Ladner,Felsher,Eure
12	03/23	(S) Conferees Named Moran,Thompson,England
13	03/27	(S) Conference Report Filed
14	03/27	(H) Conference Report Filed
15	03/28	(H) Conference Report Adopted {Vote}
16	03/29	(S) Conference Report Adopted {Vote}
17	04/01	(H) Enrolled Bill Signed
18	04/01	(S) Enrolled Bill Signed
19	04/16	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 594

Conference Reports:

| Conference Report

Code Section: A 049-0027-0005

----- Additional Information -----

House Committee: Marine Resources
Senate Committee: Ports and Marine Resources

Principal Author: Ladner

Title: AN ACT TO AMEND SECTION 49-27-5, MISSISSIPPI CODE OF 1972, TO AMEND THE COASTAL WETLANDS PROTECTION ACT TO DEFINE "ORDINARY HIGH WATER MARK" TO MEAN A MARK ON THE SHORE DETERMINED BY THE DEPARTMENT STAFF, ESTABLISHED BY FLUCTUATIONS IN WATER LEVEL AND INDICATED BY PHYSICAL AND BIOLOGICAL CHARACTERISTICS INCLUDING, BUT NOT LIMITED TO, WATER STAINS, CHANGES IN THE CHARACTER OF THE SOIL, SCOUR LINES, PRESENCE OF DEBRIS LINES, CHANGES IN PLANT COMMUNITIES AND OTHER APPROPRIATE MEANS THAT CONSIDER THE CHARACTERISTICS OF THE SURROUNDING AREA; TO REVISE THE DEFINITION OF "COASTAL WETLANDS" TO MEAN ALL PUBLICLY OWNED LANDS SUBJECT TO THE EBB AND FLOW OF THE TIDE, WHICH ARE BELOW THE ORDINARY HIGH WATER MARK, ALL PUBLICLY OWNED ACCRETIONS ABOVE THE ORDINARY HIGH WATER MARK AND ALL PUBLICLY OWNED SUBMERGED WATER BOTTOMS BELOW THE ORDINARY HIGH WATER MARK AND INCLUDES THE FLORA AND FAUNA ON THE WETLANDS AND IN THE WETLANDS; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 594

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Ladner To: Marine Resources

HOUSE BILL NO. 594
(As Sent to Governor)

AN ACT TO AMEND SECTION 49-27-5, MISSISSIPPI CODE OF 1972, TO AMEND THE COASTAL WETLANDS PROTECTION ACT TO DEFINE "ORDINARY HIGH WATER MARK" TO MEAN A MARK ON THE SHORE DETERMINED BY THE DEPARTMENT STAFF, ESTABLISHED BY FLUCTUATIONS IN WATER LEVEL AND INDICATED BY PHYSICAL AND BIOLOGICAL CHARACTERISTICS INCLUDING, BUT NOT LIMITED TO, WATER STAINS, CHANGES IN THE CHARACTER OF THE SOIL, SCOUR LINES, PRESENCE OF DEBRIS LINES, CHANGES IN PLANT COMMUNITIES AND OTHER APPROPRIATE MEANS THAT CONSIDER THE CHARACTERISTICS OF THE SURROUNDING AREA; TO REVISE THE DEFINITION OF "COASTAL WETLANDS" TO MEAN ALL PUBLICLY OWNED LANDS SUBJECT TO THE EBB AND FLOW OF THE TIDE, WHICH ARE BELOW THE ORDINARY HIGH WATER MARK, ALL PUBLICLY OWNED ACCRETIONS ABOVE THE ORDINARY HIGH WATER MARK AND ALL PUBLICLY OWNED SUBMERGED WATER BOTTOMS BELOW THE ORDINARY HIGH WATER MARK AND INCLUDES THE FLORA AND FAUNA ON THE WETLANDS AND IN THE WETLANDS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 49-27-5, Mississippi Code of 1972, is amended as follows:

49-27-5. (a) "Coastal wetlands" means all publicly-owned lands subject to the ebb and flow of the tide; which are below the * * * ordinary high * * * water mark; all publicly-owned accretions above the * * * ordinary high * * * water mark and all publicly-owned submerged water-bottoms below the * * * ordinary

high * * * water mark and includes the flora and fauna on the wetlands and in the wetlands.

(b) "Department" means the Department of Marine Resources.

(c) "Regulated activity" means any of the following activities:

(i) The dredging, excavating or removing of soil, mud, sand, gravel, flora, fauna or aggregate of any kind from any coastal wetland;

(ii) The dumping, filling or depositing of any soil, stones, sand, gravel, mud, aggregate of any kind or garbage, either directly or indirectly, on or in any coastal wetlands;

(iii) Killing or materially damaging any flora or fauna on or in any coastal wetland;

(iv) The erection on coastal wetlands of structures which materially affect the ebb and flow of the tide; and

(v) The erection of any structure or structures on suitable sites for water dependent industry.

(d) "Dredging" means the removal or displacement by any means of soil, sand, gravel, shells or other material, whether of intrinsic value or not, from coastal wetlands.

(e) "Executive director" means the Executive Director of the Department of Marine Resources.

(f) "Filling" means either the displacement of waters by the deposition into coastal wetlands of soil, sand, gravel, shells or other material; or the artificial alteration of water levels or

water currents by physical structures, drainage ditches or otherwise.

(g) "Person" means any natural person, partnership, joint stock company, corporation, unincorporated association or society, or the state and any agency thereof, or any county, municipality or political subdivision, or any other corporation of any character whatsoever.

(h) "Commission" means the Mississippi Advisory Commission on Marine Resources.

(i) "Water dependent industry" means those commercial, industrial or manufacturing activities which, for purposes basic to their existence must occur or locate on or adjacent to the estuaries, sounds, channels, shores or marshlands of the coast. "Suitable sites for water dependent industry" means those areas of land which are suitable for the development of water dependent industry because of their proximity to waters of navigable depth, size and configuration, topography, soil conditions and access to other means of transportation. After consultation with local governments, port authorities, development commissions, port and harbor commissions and other interested parties, and after full consideration of zoning ordinances duly adopted by local governments, the * * * department shall designate those sites it deems suitable for water dependent industry. The definition of "suitable sites for water dependent industry" shall be limited to, but not necessarily inclusive of, waterfront sites owned by county

port authorities, development commissions and port and harbor commissions, and to areas that are now or are later made to be within one thousand (1,000) feet of the centerline of any natural or maintained channel having a depth of seven (7) feet or greater at mean low water. However, additional sites may be included in the definition of suitable sites for water dependent industry with the concurrence of the board of supervisors in the county affected.

(j) "Ordinary High Water Mark (OHWM)" means a mark on the shore determined by the department staff, established by fluctuations in water level and indicated by physical and biological characteristics including, but not limited to, water stains, changes in the character of the soil, scour lines, presence of debris lines, changes in plant communities and other appropriate means that consider the characteristics of the surrounding area. The determination of OHWM shall not be made by the department staff during high tide where the above referenced characteristics are not observable. OHWM is not the same as mean high water and shall not be used for determination of the boundary between private property and public trust tidelands or for any purpose other than regulated activity as defined in this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 631

Description: Law enforcement; allow off-duty use of official vehicles while performing security services in off-duty hours.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Judiciary A
2	01/28	(H) Title Suff Do Pass
3	02/09	(H) Amended
4	02/09	(H) Passed As Amended {Vote}
5	02/11	(H) Transmitted To Senate
6	02/17	(S) Referred To Judiciary, Division B
7	03/02	(S) Title Suff Do Pass As Amended
8	03/04	(S) Amended
9	03/04	(S) Passed As Amended {Vote}
10	03/04	(S) Motion to Reconsider Entered
11	03/11	(S) Reconsidered
12	03/11	(S) Passed As Amended {Vote}
13	03/12	(S) Returned For Concurrence
14	03/17	(H) Decline to Concur/Invite Conf
15	03/22	(H) Conferees Named Cockerham,Bell (21st),Clark
16	03/23	(S) Conferees Named Fillingane,England,McCaughn
17	03/28	(S) Conference Report Filed
18	03/28	(H) Conference Report Filed
19	03/29	(H) Conference Report Adopted {Vote}
20	03/29	(S) Conference Report Adopted {Vote}
21	04/01	(H) Enrolled Bill Signed
22	04/01	(S) Enrolled Bill Signed
23	04/19	Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 631
Conference Reports:
| Conference Report

Code Section: A 017-0025-0011, A 021-0019-0049

----- Additional Information -----

House Committee: Judiciary A
Senate Committee: Judiciary, Division B

Principal Author: Cockerham
Additional Authors: Stamps

Title: AN ACT TO AMEND SECTION 17-25-11, MISSISSIPPI CODE OF 1972, TO AUTHORIZE OFF-DUTY USE OF MUNICIPAL AND COUNTY POLICE VEHICLES BY CERTAIN LAW ENFORCEMENT OFFICERS ENGAGING IN PRIVATE EMPLOYMENT IN OFF-DUTY HOURS; TO PROVIDE THAT USE MUST BE APPROVED BY THE LOCAL GOVERNMENTAL ENTITY WHOSE VEHICLE IS INVOLVED; TO REQUIRE THE PERSON OR ENTITY HIRING THE OFFICER TO NAME THE EMPLOYING JURISDICTION AS A NAMED INSURED ON ITS LIABILITY INSURANCE POLICIES; TO PROHIBIT USE OF THE OFFICIAL VEHICLE WHERE THE PERSON OR ENTITY REFUSES TO ENDORSE, INDEMNIFY AND HOLD HARMLESS THE EMPLOYING JURISDICTION; TO AMEND SECTION 21-19-49, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 631

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Cockerham, Stamps To: Judiciary A

HOUSE BILL NO. 631
(As Sent to Governor)

AN ACT TO AMEND SECTION 17-25-11, MISSISSIPPI CODE OF 1972, TO AUTHORIZE OFF-DUTY USE OF MUNICIPAL AND COUNTY POLICE VEHICLES BY CERTAIN LAW ENFORCEMENT OFFICERS ENGAGING IN PRIVATE EMPLOYMENT IN OFF-DUTY HOURS; TO PROVIDE THAT USE MUST BE APPROVED BY THE LOCAL GOVERNMENTAL ENTITY WHOSE VEHICLE IS INVOLVED; TO REQUIRE THE PERSON OR ENTITY HIRING THE OFFICER TO NAME THE EMPLOYING JURISDICTION AS A NAMED INSURED ON ITS LIABILITY INSURANCE POLICIES; TO PROHIBIT USE OF THE OFFICIAL VEHICLE WHERE THE PERSON OR ENTITY REFUSES TO ENDORSE, INDEMNIFY AND HOLD HARMLESS THE EMPLOYING JURISDICTION; TO AMEND SECTION 21-19-49, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 17-25-11, Mississippi Code of 1972, is amended as follows:

17-25-11. (1) Certified law enforcement officers or certified part-time law enforcement officers, as defined in Section 45-6-3, who are employed by a county or municipality may wear the official uniform and may utilize the official firearm and the official vehicle issued by the employing jurisdiction while in the performance of private security services in off-duty hours. The governing authority of a municipality must approve of such use of the uniform * * *, official weapon and vehicle by municipal law

enforcement officers by act spread upon the minutes of such board and approved by the chief executive. The sheriff of a county must approve such use of the uniform * * *, official weapon and vehicle by deputy sheriffs. Approval shall be on an employee-by-employee basis and not by general order. Any proceedings regarding application or approval and the minutes regarding same shall be a public record.

(2) Each governing board and chief executive or sheriff shall determine before the use of the official uniform * * *, weapon and vehicle is approved that the proposed employment is not likely to bring disrepute to the employing jurisdiction or its law enforcement agency, the officer at issue, or law enforcement generally, and that the use of the official uniform * * *, weapon and vehicle in the discharge of the officer's private security endeavor promotes the public interest.

(3) (a) Acts and omissions of an officer in discharge of private security employment shall be deemed to be the acts and omissions of the person or entity * * * who hires or enters into any independent contractual service agreement with an officer for * * * the private security services, and not the acts and omissions of the employing jurisdiction whose uniform * * *, weapon and vehicle are approved for * * * the private security use. * * *

(b) The person or entity, and the person's or entity's insurer, who hires or enters into any independent contractual

service agreement with an officer for private security services shall:

(i) Hold harmless the employing jurisdiction * * * and fully indemnify the employing jurisdiction for any expense or loss, including attorney's fees and any damage to the official vehicle, which results from any action taken against the employing jurisdiction arising out of the acts or omissions of the officer in discharge of private security services while wearing the official uniform or using the official weapon * * * or vehicle; and

(ii) Name the employing jurisdiction as a named insured on its general liability and automobile liability policies for at least the amount of recovery provided for in Section 11-46-15 for any damage to the official vehicle.

(c) If the person or entity, and the person's or entity's insurer, fails or refuses to endorse, indemnify and hold harmless the employing jurisdiction, the employing jurisdiction shall not approve the use of the official vehicle of the employing jurisdiction for private security services.

(d) Neither the state nor any subdivision thereof shall be liable for a claim or injury arising from the acts or omissions of an officer in the discharge of * * * any private security employment duties under this section, including travel to and from private security employment duties in the official vehicle.

(4) Certified police officers performing private jobs during their off-duty hours are required to notify the appropriate law enforcement agency of the place of employment, the hours to be worked, and the type of employment.

(5) The official uniform * * *, weapon and vehicle may be worn and utilized only at locations which are within the jurisdiction of the governmental entity whose uniform * * *, weapon and vehicle are involved.

SECTION 2. Section 21-19-49, Mississippi Code of 1972, is amended as follows:

21-19-49. (1) The governing authority of any municipality or the board of supervisors of any county are hereby authorized and empowered to appropriate money or dedicate and convey municipally-owned buildings and property or county-owned buildings and property, as the case may be, to the school district or districts situated within that municipality or county for the purpose of erecting, purchasing or otherwise providing the school building or a site for such school building of such school district, in cases where the governing authority or board of supervisors are of the opinion that the location of such school building within the corporate limits of the municipality or the county, or in close proximity thereto, will be of special benefit to the inhabitants of the municipality or county.

(2) Municipalities, municipal police departments and the sheriffs' departments may contract with the school board of any

school district to provide additional Law Enforcement Officers Training Academy-certified police protection to said school district on such terms and for such reimbursement as the school district and the entity may agree in their discretion.

(3) (a) The governing authority of any municipality or the board of supervisors of any county may allow off-duty municipal or county law enforcement officers who are hired individually for security purposes by the school district or districts within that municipality or county to use municipal or county law enforcement uniforms and equipment, which includes vehicles, during such off-duty employment.

(b) If the person or entity, and the person's or entity's insurer, fails or refuses to endorse, indemnify and hold harmless the employing jurisdiction, the employing jurisdiction shall not approve the use of the official vehicle of the employing jurisdiction for private security services.

(4) The governing authority of any municipality, in its discretion, may donate funds, equipment or in-kind services to any school district located within the boundaries of the municipality to assist the voluntary character development or public service programs of that school district.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 747

Description: Work release program; authorize pilot program to authorize sheriff to assign offenders to while confined in jail.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: Passage

History of Actions:

1	01/18	(H)	Referred To Corrections
2	01/27	(H)	Title Suff Do Pass As Amended
3	02/04	(H)	Amended
4	02/04	(H)	Passed As Amended {Vote}
5	02/04	(H)	Motion to Reconsider Entered (Horan, Mickens)
6	02/09	(H)	Reconsidered
7	02/09	(H)	Amended
8	02/09	(H)	Passed As Amended {Vote}
9	02/11	(H)	Transmitted To Senate
10	02/18	(S)	Referred To Corrections
11	03/02	(S)	Title Suff Do Pass
12	03/09	(S)	Amendment Failed
13	03/09	(S)	Passed {Vote}
14	03/09	(S)	Motion to Reconsider Entered
15	03/10	(S)	Reconsidered
16	03/10	(S)	Amended
17	03/10	(S)	Passed As Amended {Vote}
18	03/11	(S)	Returned For Concurrence
19	03/15	(H)	Decline to Concur/Invite Conf
20	03/22	(H)	Conferees Named Horan,Shanks,Felsher
21	03/23	(S)	Conferees Named Barnett,Wiggins,Simmons (12th)
22	03/27	(S)	Conference Report Filed
23	03/27	(H)	Conference Report Filed
24	03/28	(H)	Conference Report Adopted {Vote}
25	03/29	(S)	Conference Report Adopted {Vote}
26	03/30	(S)	Motion to Reconsider Entered

27	03/30	(H) Motion to Reconsider Entered (Horan, Mickens, Bell (65th))
28	03/31	(S) Motion to Reconsider Tabled
29	03/31	(H) Motion to Reconsider Tabled
30	04/01	(H) Enrolled Bill Signed
31	04/01	(S) Enrolled Bill Signed
32	04/09	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 2 ***Adopted*** Voice Vote
[S] Amendment No 1Lost Voice Vote
[S] Amendment No 2Not Germane
[S] Amendment No 3 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 747
Conference Reports:
Conference Report

----- Additional Information -----

House Committee: Corrections
Senate Committee: Corrections

Principal Author: Newman
Additional Authors: Powell, Shanks, Wallace, Weathersby, Yancey, Williamson, Miles, Brown (70th), Anthony

Title: AN ACT TO AUTHORIZE THE SHERIFF OF RANKIN COUNTY TO ESTABLISH A PILOT WORK RELEASE PROGRAM IN RANKIN COUNTY; TO AUTHORIZE THE SHERIFF OF RANKIN COUNTY TO ASSIGN A NONVIOLENT CONVICTED OFFENDER TO A WORK RELEASE PROGRAM, IF THE OFFENDER IS CONFINED IN JAIL; TO PROVIDE THAT THE OFFENDER ASSIGNED TO THE PROGRAM SHALL BE UNDER THE SUPERVISION OF THE SHERIFF; TO PROVIDE THAT THE OFFENDER MAY BE REMOVED FROM THE PROGRAM IF RULES ARE VIOLATED; TO PROVIDE THAT WAGES EARNED BY THE OFFENDER MAY, UPON ORDER OF THE COURT, BE PAID TO THE DIRECTOR OR ADMINISTRATOR OF THE PROGRAM AFTER STANDARD PAYROLL DEDUCTIONS ARE PAID; TO PROVIDE THAT THE OFFENDER, IF APPROVED, MAY MAINTAIN A BANK ACCOUNT AS LONG AS A PHYSICAL ACCOUNTING IS PROVIDED TO THE SHERIFF; TO PROVIDE THAT THE OFFENDER'S WAGES MAY BE DISTRIBUTED TO PAY CERTAIN TRAVEL EXPENSES RELATED TO HIS OR HER EMPLOYMENT, TO PAY CHILD SUPPORT, FINES, RESTITUTION OR COSTS, INCLUDING FEES FOR OBTAINING A DRIVER'S LICENSE UPON RELEASE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Newman, Powell, Shanks, Wallace, Weathersby, Yancey, Williamson, Miles, Brown (70th), Anthony

To: Corrections

HOUSE BILL NO. 747
(As Sent to Governor)

AN ACT TO AUTHORIZE THE SHERIFF OF RANKIN COUNTY TO ESTABLISH A PILOT WORK RELEASE PROGRAM IN RANKIN COUNTY; TO AUTHORIZE THE SHERIFF OF RANKIN COUNTY TO ASSIGN A NONVIOLENT CONVICTED OFFENDER TO A WORK RELEASE PROGRAM, IF THE OFFENDER IS CONFINED IN JAIL; TO PROVIDE THAT THE OFFENDER ASSIGNED TO THE PROGRAM SHALL BE UNDER THE SUPERVISION OF THE SHERIFF; TO PROVIDE THAT THE OFFENDER MAY BE REMOVED FROM THE PROGRAM IF RULES ARE VIOLATED; TO PROVIDE THAT WAGES EARNED BY THE OFFENDER MAY, UPON ORDER OF THE COURT, BE PAID TO THE DIRECTOR OR ADMINISTRATOR OF THE PROGRAM AFTER STANDARD PAYROLL DEDUCTIONS ARE PAID; TO PROVIDE THAT THE OFFENDER, IF APPROVED, MAY MAINTAIN A BANK ACCOUNT AS LONG AS A PHYSICAL ACCOUNTING IS PROVIDED TO THE SHERIFF; TO PROVIDE THAT THE OFFENDER'S WAGES MAY BE DISTRIBUTED TO PAY CERTAIN TRAVEL EXPENSES RELATED TO HIS OR HER EMPLOYMENT, TO PAY CHILD SUPPORT, FINES, RESTITUTION OR COSTS, INCLUDING FEES FOR OBTAINING A DRIVER'S LICENSE UPON RELEASE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The Sheriff of Rankin County is authorized to establish a Pilot Work Release Program. No person sentenced for a crime listed in Section 97-3-2 shall be eligible for participation in the program established under this act. During the pilot phase of the program, there shall be a limit of twenty-five (25) people in the program at a time.

(2) The sheriff shall collect and maintain data which shall be shared semiannually with the Joint Legislative Committee on

Performance Evaluation and Expenditure Review (PEER) and the Corrections and Criminal Justice Oversight Task Force in sortable electronic format. The first report shall be made before January 15, 2022, and in six-month intervals thereafter. The data shall include:

(a) Total number of participants at the beginning of each month by race, gender, and offenses charged;

(b) Total number of participants at the end of each month by race, gender, and offenses charged;

(c) Total number of participants who began the program in each month by race, gender, and offenses charged;

(d) Total number of participants who successfully completed the program in each month by race, gender, and offenses charged;

(e) Total number of participants who left the program in each month and reason for leaving by race, gender, and offenses charged;

(f) Total number of participants who were arrested for a new criminal offense while in the program in each month by race, gender, and offenses charged;

(g) Total number of participants who were convicted of a new crime while in the program in each month by race, gender, and offenses charged;

(h) Total number of participants who completed the program and were convicted of a new crime within three (3) years of completing the program;

(i) Total amount earned by participants and how the earnings were distributed in each month;

(j) Results of any initial risk and needs assessments conducted on each participant by race, gender, and offenses charged; and

(k) Any other data or information as requested by the task force.

(3) Any person who has been sentenced to confinement in jail or who has been sentenced for a felony conviction but is confined in a jail may request assignment to the work release program established under this act. Admission to the program shall be in the discretion of the sheriff. The sheriff may further authorize the offender to participate in educational or other rehabilitative programs designed to supplement his work release employment or to prepare the person for successful reentry. No offender shall be eligible for this program if he has more than one (1) year remaining on their sentence.

(4) The sheriff shall adopt and publish rules and regulations prior to accepting inmates. These rules and regulations shall at a minimum include all requirements for work release programs established pursuant to Sections 47-5-451 through 47-5-471. Participating employers shall pay no less than the

prevailing wage for the position and shall under no circumstance pay less than the federal minimum wage.

(5) Any offender assigned to such a program by the sheriff who, without proper authority or just cause, leaves the area to which he has been assigned to work or attend educational or other rehabilitative programs, or leaves the vehicle or route of travel involved in his or her going to or returning from such place, will be guilty of escape as provided in Section 97-9-49. An offender who is found guilty under this section shall be ineligible for further participation in a work release program during his or her current term of confinement.

(6) The offender shall maintain an account through a local financial institution and shall provide a copy of a check stub to the sheriff. The offender may be required to pay up to twenty-five percent (25%) of his wages after mandatory deductions for the following purposes:

(a) To pay support of dependents or to the Mississippi Department of Human Services on behalf of dependents as may be ordered by a judge of competent jurisdiction; and

(b) To pay any fines, restitution, or costs as ordered by the court to include any fines and fees associated with obtaining a valid driver's license upon release.

(7) The inmate shall have access to his account to purchase incidental expenses.

(8) The Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) shall conduct a review of the work release program established under this act and produce a report to the Legislature on their effectiveness by December 1, 2022. The PEER Committee shall seek the assistance of the Corrections and Criminal Justice Task Force and may seek assistance from any other criminal justice experts it deems necessary during its review.

(9) This section shall stand repealed on July 1, 2022.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 754

Description: Dyslexia education; revise provisions for determining student eligibility for IEP or 504 Plan.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Education
2	01/28	(H) Title Suff Do Pass
3	02/10	(H) Passed {Vote}
4	02/11	(H) Transmitted To Senate
5	02/16	(S) Referred To Education
6	03/02	(S) Title Suff Do Pass As Amended
7	03/09	(S) Amended
8	03/09	(S) Passed As Amended {Vote}
9	03/10	(S) Returned For Concurrence
10	03/18	(H) Decline to Concur/Invite Conf
11	03/23	(H) Conferees Named Bennett,McCarty,Deweese
12	03/23	(S) Conferees Named DeBar,Boyd,Johnson
13	03/25	(S) Conference Report Filed
14	03/25	(H) Conference Report Filed
15	03/27	(S) Conference Report Adopted {Vote}
16	03/28	(H) Conference Report Adopted {Vote}
17	03/30	(H) Enrolled Bill Signed
18	03/30	(S) Enrolled Bill Signed
19	04/09	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 754

Conference Reports:

| Conference Report

Code Section: A 037-0173-0009

----- Additional Information -----

House Committee: Education
Senate Committee: Education

Principal Author: Deweese
Additional Authors: Aguirre, Barnett, Bell (21st), Byrd, Felsher, Ford (54th), Ford (73rd), McCarty, McLean, Powell, Scoggin, Shanks, Steverson, Yancey, Crawford

Title: AN ACT TO CREATE NEW SECTION 37-173-16, MISSISSIPPI CODE OF 1972, TO PROVIDE THE STEPS SCHOOLS MUST TAKE FOR THE EDUCATION AND CARE OF STUDENTS WITH DYSLEXIA AND OTHER RELATED DISORDERS; TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL REQUIRE SCHOOL DISTRICTS TO CONDUCT FOUR HOURS OF AWARENESS TRAINING FOR DYSLEXIA AND OTHER RELATED DISORDERS TO ALL LICENSED EDUCATORS AND PARAPROFESSIONALS RESPONSIBLE FOR INSTRUCTION; TO PROVIDE THAT STANDARD 1 AND STANDARD 2 OF THE INTERNATIONAL DYSLEXIA ASSOCIATION'S "KNOWLEDGE AND PRACTICE STANDARDS FOR TEACHERS OF READING" 2018 EDITION SHALL BE THE MINIMUM CONTENT USED FOR THE DYSLEXIA TRAINING; TO AMEND SECTION 37-173-9, MISSISSIPPI CODE OF 1972, TO DELETE CERTAIN PROVISIONS RELATING TO SCHOOL'S DETERMINATION OF STUDENTS WITH DYSLEXIA; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 754

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Deweese, Aguirre, Barnett, Bell (21st), Byrd, Felsher, Ford (54th), Ford (73rd), McCarty, McLean, Powell, Scoggin, Shanks, Steverson, Yancey, Crawford

To: Education

HOUSE BILL NO. 754
(As Sent to Governor)

AN ACT TO CREATE NEW SECTION 37-173-16, MISSISSIPPI CODE OF 1972, TO PROVIDE THE STEPS SCHOOLS MUST TAKE FOR THE EDUCATION AND CARE OF STUDENTS WITH DYSLEXIA AND OTHER RELATED DISORDERS; TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL REQUIRE SCHOOL DISTRICTS TO CONDUCT FOUR HOURS OF AWARENESS TRAINING FOR DYSLEXIA AND OTHER RELATED DISORDERS TO ALL LICENSED EDUCATORS AND PARAPROFESSIONALS RESPONSIBLE FOR INSTRUCTION; TO PROVIDE THAT STANDARD 1 AND STANDARD 2 OF THE INTERNATIONAL DYSLEXIA ASSOCIATION'S "KNOWLEDGE AND PRACTICE STANDARDS FOR TEACHERS OF READING" 2018 EDITION SHALL BE THE MINIMUM CONTENT USED FOR THE DYSLEXIA TRAINING; TO AMEND SECTION 37-173-9, MISSISSIPPI CODE OF 1972, TO DELETE CERTAIN PROVISIONS RELATING TO SCHOOL'S DETERMINATION OF STUDENTS WITH DYSLEXIA; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 37-173-16, Mississippi Code of 1972:

37-173-16. (1) Each local school district shall make an initial determination of whether a student diagnosed with dyslexia meets the eligibility criteria under the Individuals with Disabilities Education Act (IDEA) to have an Individualized Education Program developed and to receive services. If a student's diagnosis of dyslexia does not result in an IDEA eligibility determination then the district must proceed with

their process for determining if the student is eligible for a 504 Plan under the Rehabilitation Act based on the presumption that proficiency in spelling, reading and writing are essential for the student to achieve appropriate educational progress. Each local school district shall develop interventions and strategies to address the needs of those students diagnosed with dyslexia which provide the necessary accommodations to enable the student to achieve appropriate educational progress. The interventions and strategies developed shall include, but not be limited to, the use of the 3-Tier Instructional Model and the utilization of provisions of the IDEA and 504 Plan to address those needs.

(2) The State Department of Education shall require public school districts to conduct four (4) hours of in-service training in dyslexia and related disorder awareness education every three (3) years for all licensed educators and paraprofessionals responsible for instruction. Standard 1 and Standard 2 of the International Dyslexia Association's "Knowledge and Practice Standards for Teachers of Reading" 2018 Edition shall be the minimum content used for the dyslexia training. Additional content of the trainings shall also include the indicators and characteristics, screening processes, evidence-based interventions and accommodations for students with dyslexia and other related disorders. The training, which may be provided through live in-person instruction, online course instruction or through a prerecorded video presentation, shall be delivered by an

individual who holds a State Department of Education License No. 203 in Dyslexia Therapy and a national certificate as a Certified Academic Language Therapist.

SECTION 2. Section 37-173-9, Mississippi Code of 1972, is amended as follows:

37-173-9. (1) (a) The parent or legal guardian is not required to accept the offer of enrolling in another public school in lieu of requesting a Mississippi Dyslexia Therapy Scholarship to a nonpublic school. However, if the parent or legal guardian chooses the public school option, the student may continue attending a public school chosen by the parent or legal guardian until the student completes Grade 12.

(b) If the parent or legal guardian chooses a public school within the district, the school district shall provide transportation to the public school selected by the parent or legal guardian. However, if the parent or legal guardian chooses a public school in another district, the parent or legal guardian is responsible to provide transportation to the school of choice.

* * *

* * * These provisions do not prohibit a parent or legal guardian of a student diagnosed with dyslexia, at any time, from choosing the option of a Mississippi Dyslexia Therapy Scholarship which would allow the student to attend another public school or nonpublic special purpose school.

(* * *2) If the parent or legal guardian chooses the nonpublic school option and the student is accepted by the nonpublic school pending the availability of a space for the student, the parent or legal guardian of the student must notify the department thirty (30) days before the first scholarship payment and before entering the nonpublic school in order to be eligible for the scholarship when a space becomes available for the student in the nonpublic school.

(* * *3) The parent or legal guardian of a student may choose, as an alternative, to enroll the student in and transport the student to a public school in an adjacent school district which has available space and has a program with dyslexia services that provide daily dyslexia therapy sessions delivered by a department licensed dyslexia therapist, and that school district shall accept the student and report the student for purposes of the district's funding under the Mississippi Adequate Education Program.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 761

Description: State Veterans Affairs Board; revise powers and duties relating to the operation of the State Veterans Homes.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(H) Referred To Military Affairs; Appropriations
2	01/26	(H) DR - TSDPCS: MA To AP
3	01/28	(H) DR - TSDPCS: AP To MA
4	01/28	(H) Title Suff Do Pass Comm Sub
5	02/10	(H) Committee Substitute Adopted
6	02/10	(H) Passed {Vote}
7	02/12	(H) Transmitted To Senate
8	02/17	(S) Referred To Veterans and Military Affairs; Appropriations
9	03/02	(S) DR - TSDP: VM To AP
10	03/02	(S) Title Suff Do Pass
11	03/09	(S) Amended
12	03/09	(S) Passed As Amended {Vote}
13	03/10	(S) Returned For Concurrence
14	03/12	(H) Decline to Concur/Invite Conf
15	03/23	(H) Conferees Named Carpenter,Newman,Stamps
16	03/23	(H) Conferees Named Carpenter,Newman,Oliver
17	03/23	(S) Conferees Named Seymour,DeBar,Polk
18	03/29	(S) Conference Report Filed
19	03/29	(H) Conference Report Filed
20	03/30	(H) Conference Report Adopted {Vote}
21	03/30	(S) Conference Report Adopted {Vote}
22	04/01	(H) Enrolled Bill Signed
23	04/01	(S) Enrolled Bill Signed
24	04/16	Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 761
Conference Reports:
Conference Report

Code Section: A 035-0001-0007, A 029-0009-0009

----- Additional Information -----

House Committee: Military Affairs, Appropriations
Senate Committee: Veterans and Military Affairs, Appropriations

Principal Author: Carpenter

Title: AN ACT TO AMEND SECTION 35-1-7, MISSISSIPPI CODE OF 1972, TO REVISE THE POWERS AND DUTIES OF THE STATE VETERANS BOARD IN RELATION TO OPERATING THE STATE VETERANS HOMES; TO AUTHORIZE THE BOARD TO ESTABLISH PROGRAMS RELATING TO EMPLOYEE HIRING AND INCENTIVES AND PROPERTY DISPOSAL; TO AMEND SECTION 29-9-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Carpenter

To: Military Affairs; Appropriations

HOUSE BILL NO. 761
(As Sent to Governor)

AN ACT TO AMEND SECTION 35-1-7, MISSISSIPPI CODE OF 1972, TO REVISE THE POWERS AND DUTIES OF THE STATE VETERANS BOARD IN RELATION TO OPERATING THE STATE VETERANS HOMES; TO AUTHORIZE THE BOARD TO ESTABLISH PROGRAMS RELATING TO EMPLOYEE HIRING AND INCENTIVES AND PROPERTY DISPOSAL; TO AMEND SECTION 29-9-9, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 35-1-7, Mississippi Code of 1972, is amended as follows:

35-1-7. (1) The duties of the State Veterans Affairs Board shall be to assist former and present members of the Armed Forces of the United States, and their dependents, in securing any benefits or privileges under any federal or state law or regulation to which they are entitled and to advise the Governor and Legislature on veterans affairs. Moreover, veterans or their dependents shall be given their choice of organizations to represent them in instances where a case is appealed, and the board shall lend its full cooperation in connection therewith.

(2) The board and its employees shall cooperate fully with all congressionally chartered veterans organizations within the state, including servicing the power of attorney of the congressionally chartered veterans organizations upon the request of the organizations to the State Veterans Affairs Board in the prosecution of all claims on behalf of veterans. However, all powers of attorney to the State Veterans Affairs Board shall be processed first, and thereafter, powers of attorney shall be processed for veterans organizations in the ratio that the membership of the organization bears to the total number of veterans residing in Mississippi.

(3) The State Veterans Affairs Board is designated as the "state approving agency" for the State of Mississippi. It shall be the duty of the State Veterans Affairs Board to inspect, approve and supervise schools, institutions and establishments for war orphan and veteran training as provided in Section 1771, Chapter 35, Title 38, United States Code, and in any subsequent acts passed by the Congress of the United States for the purpose of education and training of war orphans or former and present members of the Armed Forces of the United States. The State Veterans Affairs Board is authorized to employ the needed personnel to perform the duties as outlined in Section 1771, Chapter 35, Title 38, United States Code, and in any subsequent acts as enacted by the Congress of the United States, and to enter

into contract with the Department of Veterans Affairs for salary and travel reimbursement for personnel employed for this purpose.

(4) The State Veterans Affairs Board shall operate all Mississippi state veterans homes when established as authorized by Sections 35-1-19 through 35-1-29.

(5) The powers of the State Veterans Affairs Board in relation to operating the State Veterans Homes shall specifically include, but not be limited to, the following authority:

(a) To expend, upon appropriation by the Legislature, any revenue generated by the State Veterans Homes in support of the State Veterans Homes;

(b) To enter into loan or scholarship agreements with employees or students to provide educational assistance where such student or employee agrees to work for a stipulated period of time for the board. Under this agreement the employee will agree to commit to up to three (3) years but no less than one (1) year, to be determined by the employment position and the amount of student debt; provided, however, no State General Fund monies shall be used for such purposes and the majority of funds for such purposes shall be provided through programs established by the Mississippi Department of Health, the United States Department of Health and Human Services, and the United States Department of Veterans Affairs; and

(c) To sell or otherwise dispose of any chattel property of the State Veterans Affairs Board used in operation of

the State Veterans Homes where such disposition is consistent with the homes' purposes or where such property is deemed by the board or its designee to be surplus or otherwise unneeded. The State Veterans Affairs Board shall develop and submit an annual report to the Legislature on any such sale or disposition and shall ensure that the proceeds shall be used to defray the operation of the State Veterans Homes.

(6) The State Veterans Affairs Board is authorized to adopt such policies and to prescribe such rules and regulations as it may deem necessary for the proper administration of this chapter. However, such policies and regulations shall not be in conflict with any of the provisions of this chapter.

SECTION 2. Section 29-9-9, Mississippi Code of 1972, is amended as follows:

29-9-9. (1) Whenever any vehicle, equipment, office furniture, office fixture or any other personal property which has been acquired or is owned by any institution, department or agency of the State of Mississippi becomes obsolete or is no longer needed or required for the use of such institution, department or agency, the same may be: (a) sold for cash, transferred, traded or exchanged for other property, furniture, equipment, fixture or vehicle needed by said institution, department or agency after having first obtained the written approval of the Governor's Office of General Services and the State Auditor or approval by the Legislative Budget Office if utilized under the jurisdiction

of the Legislature; or (b) donated to any institution, department or agency of the State of Mississippi, or any political subdivision or local governing authority of the state. The singular shall include the plural. Transfers, trades, exchanges or donations made pursuant to this subsection may be made to any political subdivision or local governing authority of the State of Mississippi.

(2) The proceeds of all cash sales made, as authorized in this section, shall be paid over into the support and maintenance or contingent fund of the institution, department or agency as it deems best.

(3) The head of each state institution, department or agency shall be responsible and liable personally and on his official bond, in the amount of the value shown on the state inventory, for the disposal of any property contrary to the provisions of this section.

(4) The Office of General Services, on the approval of the Public Procurement Review Board, is hereby authorized and empowered to make reasonable rules and regulations and to require such information as may be necessary to carry out the purpose and provisions of this section.

(5) Any violation of the provisions hereof by any elected head of any institution, department, commission or agency of the State of Mississippi, or any appointee or employee of any institution, department, agency or commission coming under the

provisions of this section, shall constitute a misdemeanor and, upon conviction therefor, shall be punished by a fine of not exceeding One Thousand Dollars ($1,000.00) in addition to personal and official liability, as hereinabove provided.

(6) The disposal of any unneeded personal property at the project described in Section 57-75-5(f)(vi), may be made in accordance with the provisions of the Mississippi Major Economic Impact Act by the Mississippi Major Economic Impact Authority, under such rules and regulations as may be adopted by such authority.

(7) The disposal of any alternative housing units purchased through the Mississippi Alternative Housing Pilot Program may be made by the Mississippi Emergency Management Agency as required by federal law to be in compliance with regulations of the federal articles of agreement and its awarded conditions, and upon approval of the Public Procurement Review Board.

(8) This section shall not be applicable to the State Veterans Homes in the event the State Veterans Affairs Board has contracted for property management services at the State Veterans Homes.

SECTION 3. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 928

Description: Commissioner of Corrections and community corrections; bring forward various sections relating to.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H)	Referred To Corrections
2	01/27	(H)	Title Suff Do Pass Comm Sub
3	02/04	(H)	Committee Substitute Adopted
4	02/04	(H)	Amended
5	02/04	(H)	Passed As Amended {Vote}
6	02/04	(H)	Motion to Reconsider Entered (Horan, Mickens)
7	02/05	(H)	Motion to Reconsider Tabled
8	02/05	(H)	Transmitted To Senate
9	02/18	(S)	Referred To Corrections; Accountability, Efficiency, Transparency
10	03/01	(S)	DR - TSDPAA: CR To AC
11	03/02	(S)	Title Suff Do Pass As Amended
12	03/09	(S)	Amended
13	03/09	(S)	Passed As Amended {Vote}
14	03/10	(S)	Returned For Concurrence
15	03/15	(H)	Decline to Concur/Invite Conf
16	03/24	(H)	Conferees Named Horan,Cockerham,Felsher
17	03/24	(S)	Conferees Named Barnett,Wiggins,Simmons (12th)
18	03/27	(S)	Conference Report Filed
19	03/27	(H)	Conference Report Filed
20	03/28	(H)	Conference Report Adopted {Vote}
21	03/29	(S)	Conference Report Adopted {Vote}
22	03/30	(S)	Motion to Reconsider Entered
23	03/30	(H)	Motion to Reconsider Entered (Horan, Mickens, Bell (65th))
24	03/31	(S)	Motion to Reconsider Tabled

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25  03/31   (H) Motion to Reconsider Tabled
26  04/01   (H) Enrolled Bill Signed
27  04/01   (S) Enrolled Bill Signed
28  04/09   Approved by Governor
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Amendments:

[H] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 928

Conference Reports:
| Conference Report

Code Section: A 047-0005-0026, A 047-0005-0008, A 047-0007-0005, A 097-0037-0005

----- Additional Information -----

House Committee: Corrections
Senate Committee: Corrections, Accountability, Efficiency, Transparency

Principal Author: Horan

Title: AN ACT TO AMEND SECTION 47-5-26, MISSISSIPPI CODE OF 1972, TO REQUIRE THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS TO DESIGNATE AN EXECUTIVE DEPUTY COMMISSIONER; TO AMEND SECTION 47-5-8, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE EXECUTIVE DEPUTY COMMISSIONER SHALL BE DIRECTLY RESPONSIBLE TO THE COMMISSIONER OF CORRECTIONS; TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MEMBERS OF THE PAROLE BOARD SHALL RECEIVE COMPENSATION OR PER DIEM IN ADDITION TO THEIR SALARIES; TO AMEND SECTION 97-37-5, MISSISSIPPI CODE OF 1972, TO EXPAND AUTHORIZATION FOR CERTIFICATES OF REHABILITATION FOR PERSONS CONVICTED OF CRIMES UNDER FEDERAL LAW, IN STATE MILITARY COURT OR IN OTHER STATES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Horan To: Corrections

HOUSE BILL NO. 928
(As Sent to Governor)

AN ACT TO AMEND SECTION 47-5-26, MISSISSIPPI CODE OF 1972, TO REQUIRE THE COMMISSIONER OF THE DEPARTMENT OF CORRECTIONS TO DESIGNATE AN EXECUTIVE DEPUTY COMMISSIONER; TO AMEND SECTION 47-5-8, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE EXECUTIVE DEPUTY COMMISSIONER SHALL BE DIRECTLY RESPONSIBLE TO THE COMMISSIONER OF CORRECTIONS; TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MEMBERS OF THE PAROLE BOARD SHALL RECEIVE COMPENSATION OR PER DIEM IN ADDITION TO THEIR SALARIES; TO AMEND SECTION 97-37-5, MISSISSIPPI CODE OF 1972, TO EXPAND AUTHORIZATION FOR CERTIFICATES OF REHABILITATION FOR PERSONS CONVICTED OF CRIMES UNDER FEDERAL LAW, IN STATE MILITARY COURT OR IN OTHER STATES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 47-5-26, Mississippi Code of 1972, is amended as follows:

47-5-26. (1) The commissioner shall employ the following personnel:

(a) A Deputy Commissioner for Administration and Finance, who shall supervise and implement all fiscal policies and programs within the department, supervise and implement all hiring and personnel matters within the department, supervise the department's personnel director, supervise and implement all purchasing within the department and supervise and implement all

data processing activities within the department, and who shall serve as the Chief Executive Officer of the Division of Administration and Finance. He shall possess either:

(i) A master's degree from an accredited four-year college or university in public or business administration, accounting, economics or a directly related field, and four (4) years of experience in work related to the above-described duties, one (1) year of which must have included line or functional supervision; or

(ii) A bachelor's degree from an accredited four-year college or university in public or business administration, accounting, economics or a directly related field, and six (6) years of experience in work related to the above-described duties, one (1) year of which must have included line or functional supervision. Certification by the State of Mississippi as a certified public accountant may be substituted for one (1) year of the required experience.

(b) A Deputy Commissioner for Community Corrections, who shall initiate and administer programs, including, but not limited to, supervision of probationers, parolees and suspensioners, counseling, community-based treatment, interstate compact administration and enforcement, prevention programs, halfway houses and group homes, technical violation centers, restitution centers, presentence investigations, and work and educational releases, and shall serve as the Chief Executive

Officer of the Division of Community Services. The Deputy Commissioner for Community Corrections is charged with full and complete cooperation with the State Parole Board and shall make monthly reports to the Chairman of the Parole Board in the form and type required by the chairman, in his discretion, for the proper performance of the probation and parole functions. After a plea or verdict of guilty to a felony is entered against a person and before he is sentenced, the Deputy Commissioner for Community Corrections shall procure from any available source and shall file in the presentence records any information regarding any criminal history of the person such as fingerprints, dates of arrests, complaints, civil and criminal charges, investigative reports of arresting and prosecuting agencies, reports of the National Crime Information Center, the nature and character of each offense, noting all particular circumstances thereof and any similar data about the person. The Deputy Commissioner for Community Corrections shall keep an accurate and complete duplicate record of this file and shall furnish the duplicate to the department. This file shall be placed in and shall constitute a part of the inmate's master file. The Deputy Commissioner for Community Corrections shall furnish this file to the State Parole Board when the file is needed in the course of its official duties. He shall possess either: (i) a master's degree in counseling, corrections psychology, guidance, social work, criminal justice or some related field and at least four (4) years' full-time experience in

such field, including at least one (1) year of supervisory experience; or (ii) a bachelor's degree in a field described in subparagraph (i) of this paragraph and at least six (6) years' full-time work in corrections, one (1) year of which shall have been at the supervisory level.

(c) A Deputy Commissioner for Institutions, who shall administer institutions, reception and diagnostic centers, prerelease centers and other facilities and programs provided therein, and shall serve as the Chief Executive Officer of the Division of Institutions. He shall possess either: (i) a master's degree in counseling, criminal justice, psychology, guidance, social work, business or some related field, and at least four (4) years' full-time experience in corrections, including at least one (1) year of correctional management experience; or (ii) a bachelor's degree in a field described in subparagraph (i) of this paragraph and at least six (6) years' full-time work in corrections, four (4) years of which shall have been at the correctional management level.

(d) A Deputy Commissioner for Programs, Education, Re-entry, and Vocational Rehabilitation Services who shall initiate and administer programs, including but not limited to, education services, religious services, moral rehabilitation, alcohol and drug rehabilitation, and court re-entry. The Deputy Commissioner for Programs, Education, Re-entry, and Vocational Rehabilitation may coordinate with any educational institution to

develop a program for moral rehabilitation with an emphasis on promoting effective programs for release. The Deputy Commissioner for Programs, Education, Re-entry, and Vocational Rehabilitation shall focus on re-entry programs aimed at reducing recidivism and adequately preparing offenders for employment upon their release. The programs shall incorporate a moral component focused on providing offenders with an opportunity to make positive changes while incarcerated that will enable them to be productive members of society upon their release. Such deputy commissioner shall possess either:

(i) A master's degree in counseling, corrections, psychology, guidance, social work, criminal justice or some related field and at least four (4) years' full-time experience in such field, including at least one (1) year of supervisory experience; or

(ii) A bachelor's degree in a field described in subparagraph (i) of this paragraph and at least six (6) years full-time work in corrections, one (1) year of which shall have been at the supervisory level.

Out of the deputy commissioners employed under this subsection (1), as set out in paragraphs (a) through (d), the commissioner shall designate one (1) of the commissioners as an executive deputy commissioner who shall have the duties prescribed under Section 47-5-8.

(2) The commissioner shall employ an administrative assistant for parole matters who shall be selected by the State Parole Board who shall be an employee of the department assigned to the State Parole Board and who shall be located at the office of the State Parole Board, and who shall work under the guidance, supervision and direction of the board.

(3) The administrative assistant for parole matters shall receive an annual salary to be established by the Legislature. The salaries of department employees not established by the Legislature shall receive an annual salary established by the State Personnel Board.

(4) The commissioner shall employ a superintendent for the Parchman facility, Central Mississippi Correctional Facility and South Mississippi Correctional Institution of the Department of Corrections. The Superintendent of the Mississippi State Penitentiary shall reside on the grounds of the Parchman facility. Each superintendent shall appoint an officer in charge when he is absent.

Each superintendent shall develop and implement a plan for the prevention and control of an inmate riot and shall file a report with the Chairman of the Senate Corrections Committee and the Chairman of the House Penitentiary Committee on the first day of each regular session of the Legislature regarding the status of the plan.

In order that the grievances and complaints of inmates, employees and visitors at each facility may be heard in a timely and orderly manner, each superintendent shall appoint or designate an employee at the facility to hear grievances and complaints and to report grievances and complaints to the superintendent. Each superintendent shall institute procedures as are necessary to provide confidentiality to those who file grievances and complaints.

(5) For a one-year period beginning July 1, 2016, any person authorized for employment under this section shall not be subject to the rules, regulations and procedures of the State Personnel Board, except as otherwise provided under Section 25-9-127(5).

SECTION 2. Section 47-5-8, Mississippi Code of 1972, is amended as follows:

47-5-8. (1) There is created the Mississippi Department of Corrections, which shall be under the policy direction of the Governor. The chief administrative officer of the department shall be the Commissioner of Corrections.

(2) (a) There shall be an Executive Deputy Commissioner who shall be directly responsible to the Commissioner of Corrections within the department who shall serve as the Commissioner of Corrections in the absence of the Commissioner and shall assume any and all duties that the Commissioner of Corrections assigns, including, but not limited to, supervising all other deputy

commissioners. The salary of the Executive Deputy Commissioner shall not exceed the salary of the Commissioner of Corrections.

(* * *b) There shall be a Division of Administration and Finance within the department, which shall have as its chief administrative officer a Deputy Commissioner for Administration and Finance who shall be appointed by the commissioner, and shall be directly responsible to the commissioner.

(* * *c) There shall be a Division of Community Corrections within the department, which shall have as its chief administrative officer a Deputy Commissioner for Community Corrections, who shall be appointed by the commissioner, and shall be directly responsible to the commissioner. The Probation and Parole Board shall continue to exercise the authority as provided by law, but after July 1, 1976, the Division of Community Corrections shall serve as the administrative agency for the Probation and Parole Board.

(3) The department shall succeed to the exclusive control of all records, books, papers, equipment and supplies, and all lands, buildings and other real and personal property now or hereafter belonging to or assigned to the use and benefit or under the control of the Mississippi State Penitentiary and the Mississippi Probation and Parole Board, except the records of parole process and revocation and legal matters related thereto, and shall have the exercise and control of the use, distribution and disbursement of all funds, appropriations and taxes now or hereafter in

possession, levied, collected or received or appropriated for the use, benefit, support and maintenance of these two (2) agencies except as otherwise provided by law, and the department shall have general supervision of all the affairs of the two (2) agencies herein named except as otherwise provided by law, and the care and conduct of all buildings and grounds, business methods and arrangements of accounts and records, the organization of the administrative plans of each institution, and all other matters incident to the proper functioning of the two (2) agencies.

(4) The commissioner may lease the lands for oil, gas, mineral exploration and other purposes, and contract with other state agencies for the proper management of lands under such leases or for the provision of other services, and the proceeds thereof shall be paid into the General Fund of the state.

SECTION 3. Section 47-7-5, Mississippi Code of 1972, is amended as follows:

47-7-5. (1) The State Parole Board, created under former Section 47-7-5, is hereby created, continued and reconstituted and shall be composed of five (5) members. The Governor shall appoint the members with the advice and consent of the Senate. All terms shall be at the will and pleasure of the Governor. Any vacancy shall be filled by the Governor, with the advice and consent of the Senate. The Governor shall appoint a chairman of the board.

(2) Any person who is appointed to serve on the board shall possess at least a bachelor's degree or a high school diploma and

four (4) years' work experience. Each member shall devote his full time to the duties of his office and shall not engage in any other business or profession or hold any other public office. A member shall * * * receive compensation or per diem in addition to his or her salary * * *. Each member shall keep such hours and workdays as required of full-time state employees under Section 25-1-98. Individuals shall be appointed to serve on the board without reference to their political affiliations. Each board member, including the chairman, may be reimbursed for actual and necessary expenses as authorized by Section 25-3-41. Each member of the board shall complete annual training developed based on guidance from the National Institute of Corrections, the Association of Paroling Authorities International, or the American Probation and Parole Association. Each first-time appointee of the board shall, within sixty (60) days of appointment, or as soon as practical, complete training for first-time Parole Board members developed in consideration of information from the National Institute of Corrections, the Association of Paroling Authorities International, or the American Probation and Parole Association.

(3) The board shall have exclusive responsibility for the granting of parole as provided by Sections 47-7-3 and 47-7-17 and shall have exclusive authority for revocation of the same. The board shall have exclusive responsibility for investigating clemency recommendations upon request of the Governor.

(4) The board, its members and staff, shall be immune from civil liability for any official acts taken in good faith and in exercise of the board's legitimate governmental authority.

(5) The budget of the board shall be funded through a separate line item within the general appropriation bill for the support and maintenance of the department. Employees of the department which are employed by or assigned to the board shall work under the guidance and supervision of the board. There shall be an executive secretary to the board who shall be responsible for all administrative and general accounting duties related to the board. The executive secretary shall keep and preserve all records and papers pertaining to the board.

(6) The board shall have no authority or responsibility for supervision of offenders granted a release for any reason, including, but not limited to, probation, parole or executive clemency or other offenders requiring the same through interstate compact agreements. The supervision shall be provided exclusively by the staff of the Division of Community Corrections of the department.

(7) (a) The Parole Board is authorized to select and place offenders in an electronic monitoring program under the conditions and criteria imposed by the Parole Board. The conditions, restrictions and requirements of Section 47-7-17 and Sections 47-5-1001 through 47-5-1015 shall apply to the Parole Board and

any offender placed in an electronic monitoring program by the Parole Board.

(b) Any offender placed in an electronic monitoring program under this subsection shall pay the program fee provided in Section 47-5-1013. The program fees shall be deposited in the special fund created in Section 47-5-1007.

(c) The department shall have absolute immunity from liability for any injury resulting from a determination by the Parole Board that an offender be placed in an electronic monitoring program.

(8) (a) The Parole Board shall maintain a central registry of paroled inmates. The Parole Board shall place the following information on the registry: name, address, photograph, crime for which paroled, the date of the end of parole or flat-time date and other information deemed necessary. The Parole Board shall immediately remove information on a parolee at the end of his parole or flat-time date.

(b) When a person is placed on parole, the Parole Board shall inform the parolee of the duty to report to the parole officer any change in address ten (10) days before changing address.

(c) The Parole Board shall utilize an Internet website or other electronic means to release or publish the information.

(d) Records maintained on the registry shall be open to law enforcement agencies and the public and shall be available no later than July 1, 2003.

(9) An affirmative vote of at least four (4) members of the Parole Board shall be required to grant parole to an inmate convicted of capital murder or a sex crime.

(10) This section shall stand repealed on July 1, 2022.

SECTION 4. Section 97-37-5, Mississippi Code of 1972, is amended as follows:

97-37-5. (1) It shall be unlawful for any person who has been convicted of a felony under the laws of this state, any other state, or of the United States to possess any firearm or any bowie knife, dirk knife, butcher knife, switchblade knife, metallic knuckles, blackjack, or any muffler or silencer for any firearm unless such person has received a pardon for such felony, has received a relief from disability pursuant to Section 925(c) of Title 18 of the United States Code, or has received a certificate of rehabilitation pursuant to subsection (3) of this section.

(2) Any person violating this section shall be guilty of a felony and, upon conviction thereof, shall be fined not more than Five Thousand Dollars ($5,000.00), or committed to the custody of the State Department of Corrections for not less than one (1) year nor more than ten (10) years, or both.

(3) A person who has been convicted of a felony under the laws <u>of this state, under the laws of another state, under federal</u>

law or in state military court may apply for a certificate of rehabilitation as provided in this section. If the person was convicted of a felony under the laws of this state, he or she may apply to the court in which he was convicted for a certificate of rehabilitation. If the person was convicted of a felony under the laws of another state, under federal law or in state military court, he or she may apply to the court in the person's county of residence for a certificate of rehabilitation. A person convicted of a felony under the laws of another state, under federal law or in state military court shall attach a certified copy of his or her judgment and a certified copy of his or her completion of sentence to the petition for a certificate of rehabilitation. The court may grant such certificate in its discretion upon a showing to the satisfaction of the court that the applicant has been rehabilitated and has led a useful, productive and law-abiding life since the completion of his or her sentence and upon the finding of the court that he or she will not be likely to act in a manner dangerous to public safety.

(4) (a) A person who is discharged from court-ordered mental health treatment may petition the court which entered the commitment order for an order stating that the person qualifies for relief from a firearms disability.

(b) In determining whether to grant relief, the court must hear and consider evidence about:

(i) The circumstances that led to imposition of the firearms disability under 18 * * * USCS, Section 922(d)(4);

(ii) The person's mental history;

(iii) The person's criminal history; and

(iv) The person's reputation.

(c) A court may not grant relief unless it makes and enters in the record the following affirmative findings:

(i) That the person is no longer likely to act in a manner dangerous to public safety; and

(ii) Removing the person's disability to purchase a firearm is not against the public interest.

SECTION 5. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1091

Description: Light wine, light spirit product and beer; authorize microbreweries and revise various sections of law.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	01/27	(H) Title Suff Do Pass Comm Sub
3	02/10	(H) Committee Substitute Adopted
4	02/10	(H) Amended
5	02/10	(H) Passed As Amended {Vote}
6	02/10	(H) Motion to Reconsider Entered (Lamar, Steverson, Hines)
7	02/10	(H) Motion to Reconsider W/Drawn
8	02/12	(H) Transmitted To Senate
9	02/18	(S) Referred To Finance
10	03/02	(S) Title Suff Do Pass As Amended
11	03/10	(S) Amended
12	03/10	(S) Passed As Amended {Vote}
13	03/11	(S) Returned For Concurrence
14	03/17	(H) Decline to Concur/Invite Conf
15	03/23	(H) Conferees Named Lamar,Zuber,Powell
16	03/24	(S) Conferees Named Harkins,Boyd,Horhn
17	03/29	(H) Conferees Named Steverson,Zuber,Powell
18	03/29	(S) Conference Report Filed
19	03/29	(H) Conference Report Filed
20	03/30	(S) Conference Report Adopted {Vote}
21	03/30	(H) Conference Report Adopted {Vote}
22	04/01	(H) Enrolled Bill Signed
23	04/01	(S) Enrolled Bill Signed
24	04/16	Approved by Governor

Amendments:

[H] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote

[H] Amendment No 2 (Cmte Sub)Lost Voice Vote
[S] Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for House Bill No. 1091
Conference Reports:
| Conference Report

Code Section: A 027-0071-0301, A 027-0071-0303, A 027-0071-0307, A 027-0071-0509, A 067-0003-0003, A 067-0003-0048, A 067-0003-0049, A 067-0003-0045, A 067-0003-0055, A 067-0001-0051, A 067-0003-0009, A 067-0003-0017, A 067-0003-0028, A 067-0001-0005

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Zuber

Title: AN ACT TO AMEND SECTION 27-71-301, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "RETAILER" AND TO DEFINE THE TERM "MICROBREWERY" FOR PURPOSES OF THE LAWS THAT RELATE TO LICENSE AND EXCISE TAXES ON LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER; TO AMEND SECTION 27-71-303, MISSISSIPPI CODE OF 1972, TO IMPOSE A PRIVILEGE TAX ON HOLDERS OF MICROBREWERY AND SMALL CRAFT BREWERY PERMITS; TO AMEND SECTION 27-71-307, MISSISSIPPI CODE OF 1972, TO IMPOSE AN EXCISE TAX ON LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER PROVIDED BY MICROBREWERIES; TO AMEND SECTION 27-71-509, MISSISSIPPI CODE OF 1972, TO INCREASE THE ALCOHOL CONTENT FOR LIGHT SPIRIT PRODUCTS THAT MAY BE MANUFACTURED, DISTRIBUTED AND SOLD; TO AMEND SECTION 67-3-3, MISSISSIPPI CODE OF 1972, TO INCREASE THE ALCOHOL CONTENT PERTAINING TO THE DEFINITION OF THE TERM "LIGHT SPIRIT PRODUCT," AND TO DEFINE THE TERM "MICROBREWERY" FOR PURPOSES OF THE LAWS REGULATING THE SALE OF LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER; TO AMEND SECTION 67-3-48, MISSISSIPPI CODE OF 1972, TO REVISE THE AMOUNT OF LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER PRODUCED AT A SMALL CRAFT BREWERY THAT THE BREWERY MAY SELL AT RETAIL; TO LIMIT THE AMOUNT OF LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER PRODUCED AT A MICROBREWERY THAT THE MICROBREWERY MAY SELL AT RETAIL; TO AMEND SECTION 67-3-49, MISSISSIPPI CODE OF 1972, TO INCREASE THE ALCOHOL CONTENT FOR LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER THAT MAY BE LAWFULLY MANUFACTURED AND DISTRIBUTED; TO AMEND SECTION 67-3-45, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN PROHIBITIONS IN SUCH SECTION SHALL NOT PROHIBIT A MICROBREWERY OR SMALL CRAFT BREWERY FROM BEING ELIGIBLE TO OBTAIN A RETAIL PERMIT FOR THE SALE OF BEER, LIGHT WINE OR LIGHT SPIRIT PRODUCTS ON ITS PREMISES; TO AMEND SECTION 67-3-55, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN PROHIBITIONS RELATING TO THE SALE OF LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER SHALL NOT APPLY TO

LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER SOLD ON THE PREMISES OF A MICROBREWERY; TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO AUTHORIZE SMALL CRAFT BREWERIES AND MICROBREWERIES TO OBTAIN ON-PREMISES RETAILER'S PERMITS UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW; TO AMEND SECTIONS 67-3-9, 67-3-17 AND 67-3-28, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE INCREASED ALCOHOL CONTENT FOR LIGHT SPIRIT PRODUCTS; TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO AMEND THE DEFINITION OF "DISTILLED SPIRITS"; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 1091

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Zuber To: Ways and Means

HOUSE BILL NO. 1091
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-71-301, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITION OF THE TERM "RETAILER" AND TO DEFINE THE TERM "MICROBREWERY" FOR PURPOSES OF THE LAWS THAT RELATE TO LICENSE AND EXCISE TAXES ON LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER; TO AMEND SECTION 27-71-303, MISSISSIPPI CODE OF 1972, TO IMPOSE A PRIVILEGE TAX ON HOLDERS OF MICROBREWERY AND SMALL CRAFT BREWERY PERMITS; TO AMEND SECTION 27-71-307, MISSISSIPPI CODE OF 1972, TO IMPOSE AN EXCISE TAX ON LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER PROVIDED BY MICROBREWERIES; TO AMEND SECTION 27-71-509, MISSISSIPPI CODE OF 1972, TO INCREASE THE ALCOHOL CONTENT FOR LIGHT SPIRIT PRODUCTS THAT MAY BE MANUFACTURED, DISTRIBUTED AND SOLD; TO AMEND SECTION 67-3-3, MISSISSIPPI CODE OF 1972, TO INCREASE THE ALCOHOL CONTENT PERTAINING TO THE DEFINITION OF THE TERM "LIGHT SPIRIT PRODUCT," AND TO DEFINE THE TERM "MICROBREWERY" FOR PURPOSES OF THE LAWS REGULATING THE SALE OF LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER; TO AMEND SECTION 67-3-48, MISSISSIPPI CODE OF 1972, TO REVISE THE AMOUNT OF LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER PRODUCED AT A SMALL CRAFT BREWERY THAT THE BREWERY MAY SELL AT RETAIL; TO LIMIT THE AMOUNT OF LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER PRODUCED AT A MICROBREWERY THAT THE MICROBREWERY MAY SELL AT RETAIL; TO AMEND SECTION 67-3-49, MISSISSIPPI CODE OF 1972, TO INCREASE THE ALCOHOL CONTENT FOR LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER THAT MAY BE LAWFULLY MANUFACTURED AND DISTRIBUTED; TO AMEND SECTION 67-3-45, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN PROHIBITIONS IN SUCH SECTION SHALL NOT PROHIBIT A MICROBREWERY OR SMALL CRAFT BREWERY FROM BEING ELIGIBLE TO OBTAIN A RETAIL PERMIT FOR THE SALE OF BEER, LIGHT WINE OR LIGHT SPIRIT PRODUCTS ON ITS PREMISES; TO AMEND SECTION 67-3-55, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT CERTAIN PROHIBITIONS RELATING TO THE SALE OF LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER SHALL NOT APPLY TO LIGHT WINE, LIGHT SPIRIT PRODUCT AND BEER SOLD ON THE PREMISES OF A MICROBREWERY; TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO AUTHORIZE SMALL CRAFT BREWERIES AND MICROBREWERIES TO OBTAIN ON-PREMISES

RETAILER'S PERMITS UNDER THE LOCAL OPTION ALCOHOLIC BEVERAGE CONTROL LAW; TO AMEND SECTIONS 67-3-9, 67-3-17 AND 67-3-28, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE INCREASED ALCOHOL CONTENT FOR LIGHT SPIRIT PRODUCTS; TO AMEND SECTION 67-1-5, MISSISSIPPI CODE OF 1972, TO AMEND THE DEFINITION OF "DISTILLED SPIRITS"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-71-301, Mississippi Code of 1972, is amended as follows:

27-71-301. When used in this article the words and terms hereafter mentioned shall have the following definitions:

(a) "State Auditor" means the State Auditor of Public Accounts of the State of Mississippi or any legally appointed deputy, clerk or agent.

(b) "Person" includes all natural persons or corporations, a partnership, an association, a joint venture, an estate, a trust, or any other group or combination acting as a unit and shall include the plural as well as the singular unless an intention to give another meaning thereto is disclosed in the context.

(c) "Consumer" means a person who comes into the possession of beer, light spirit product or light wine, the sale of which is authorized by Chapter 3 of Title 67, Mississippi Code of 1972, for the purpose of consuming it, giving it away or otherwise disposing of it in any manner except by sale, barter or exchange.

(d) "Retailer" means any person who comes into the possession of such light wines, light spirit products or beer for

the purpose of selling it to the consumer, or giving it away, or exposing it where it may be taken or purchased or acquired in any other manner by the consumer. The term "retailer" shall include small craft breweries and microbreweries; however, the term "retailer" shall not include a person who offers and provides beer on the premises of a brewery for the purpose of tasting or sampling as authorized in Section 67-3-47.

(e) "Wholesaler" means any person who comes into possession of such light wine, light spirit product or beer for the purpose of selling, distributing, or giving it away to retailers or other wholesalers or dealers inside or outside of this state.

(f) "Commissioner" means the Commissioner of Revenue of the Department of Revenue or his duly appointed agents or employees.

(g) "Sale" includes the exchange of such light wines, light spirit products or beer for money, or giving away or distributing any such light wines, light spirit products or beer for anything of value; however, the term "sale" shall not include beer offered and provided on the premises of a brewery for the purpose of tasting or sampling as authorized in Section 67-3-47.

(h) "Light wines, light spirit products or beer" means beer, light spirit products and light wines legalized for sale by the provisions of Chapter 3 of Title 67, Mississippi Code of 1972.

(i) "Distributor" includes every person who receives either from within or from without this state, from a brewery, a winery or any other source, light wines, light spirit products or beer as defined in Chapter 3 of Title 67, Mississippi Code of 1972, for the purpose of distributing or otherwise disposing of such light wines, light spirit products or beer to a wholesaler or retailer of such light wines, light spirit products or beer.

(j) "Brewpub" means the premises of any location in which light wine, light spirit product or beer is manufactured or brewed, for retail sale if the total amount of light wine, light spirit product or beer produced on the premises does not exceed the production limitation imposed in Section 67-3-22, and the light wine, light spirit product or beer is produced for consumption on the premises, although without prohibition on sales for off-premises consumption.

(k) "Hospitality cart" means a mobile cart from which alcoholic beverages and light wine, light spirit product and beer are sold on a golf course and for which a hospitality cart permit has been issued under Section 67-1-51.

(l) "Small craft brewery" shall have the meaning ascribed to such term in Section 67-3-3.

(m) "Manufacturer" means a person who brews beer at a brewery; however, the term does not include "brewpubs."

(n) "Microbrewery" shall have the meaning ascribed to such term in Section 67-3-3.

SECTION 2. Section 27-71-303, Mississippi Code of 1972, is amended as follows:

27-71-303. Upon each person approved for a permit to engage in the business of selling light wines, light spirit products or beer there is hereby imposed, levied and assessed, to be collected and paid as herein provided, annual privilege taxes in the following amounts:

(a) Retailers--for each place of business.....$ 30.00

(b) Wholesalers or distributors--for each county.....$ 100.00

(c) Manufacturers--for each place of business.....$1,000.00

(d) Brewpubs--for each place of business.....$1,000.00

(e) Microbrewery--for each place of business.....$1,000.00

(f) Small craft brewery--for each place of business.....$1,000.00

Upon each person operating an airline, bus, boat or railroad car upon which light wines, light spirit products or beer may be sold there is hereby imposed, levied and assessed, to be collected and paid, annual privilege taxes of Thirty Dollars ($30.00) for each airplane, bus, boat or railroad car so operated in this state.

Provided, however, the amount of the privilege tax to be paid for a permit issued for a period of less than twelve (12) months shall be that proportionate amount of the annual privilege tax that the number of months, or part of a month, remaining until its expiration date bears to twelve (12) months, but in no case shall the privilege tax be less than Ten Dollars ($10.00).

SECTION 3. Section 27-71-307, Mississippi Code of 1972, is amended as follows:

27-71-307. (1) (a) In addition to the specific tax imposed in Section 27-71-303, there is hereby imposed, levied, assessed and shall be collected, as hereinafter provided, an excise or privilege tax upon each person engaged or continuing in the business of wholesaler or distributor of light wines, light spirit products or beer equivalent to Forty-two and Sixty-eight One-hundredths Cents (42.68¢) per gallon upon all light wines, light spirit products and beer acquired for sale or distribution in this state. The excise or privilege tax is also imposed at the same rate upon each gallon of light wine, light spirit product or beer manufactured by brewpubs, each of which shall accurately and reliably measure the quantity of light wine, light spirit product and beer produced by using a measuring device such as a meter or gauge glass or any other suitable method approved by the commissioner. The excise or privilege tax is also imposed at the same rate upon each gallon of light wine, light spirit product or beer provided by a small craft brewery <u>or microbrewery</u> for sale as

authorized under Section 67-3-48 and upon each gallon of light wine, light spirit product or beer provided for tasting or sampling under Section 67-3-47. The tax is hereby imposed as an additional tax for the privilege of engaging or continuing in business.

(b) The excise tax imposed in this section shall be paid to the Department of Revenue monthly on or before the fifteenth day of the month following the month in which the beer, light spirit product or light wine was manufactured or received in this state. Monthly report forms shall be furnished by the commissioner to the wholesalers, distributors, brewpubs, microbreweries and small craft breweries.

(c) Provided that persons operating a railroad dining car, club car or other car in interstate commerce upon which light wines, light spirit products or beer may be sold and who are licensed under the provisions of Section 67-3-27 and any other law relating to the sale of such beverages shall keep such records of the sales of such light wines, light spirit products and beer in this state as the commissioner shall prescribe and shall submit monthly reports of such sales to the commissioner within fifteen (15) days after the end of each month on a form prescribed therefor by the commissioner, and shall pay the tax due under the provisions of this section at the time such reports are filed.

No official crowns, lids, labels or stamps with the word "MISSISSIPPI" or "MS" imprinted thereon or any other evidence of

tax payment is required by this section, or may be required under rule or regulation promulgated by the commissioner, to be affixed on or to any part of a beer, light wine, light spirit product or malt cooler bottle, can or other light wine, light spirit product or malt cooler container. For purposes of this section, malt cooler products shall be defined as a flavored malt beverage made from a base of malt beverage and flavored with fruit juices, aromatics and essences of other flavoring in quantities and proportions such that the resulting product possesses a character and flavor distinctive from the base malt beverage and distinguishable from other malt beverages.

(2) A licensed wholesaler or distributor of beer, light spirit product or light wine may not import beer, light spirit product or light wine from any source other than a brewer or importer authorized by the commissioner to sell such beer, light spirit product or light wine in Mississippi. Any person who violates the provisions of this subsection, upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court and shall be subject to license forfeiture following an appropriate hearing before the Department of Revenue.

(3) The wholesaler, distributor, microbrewery or small craft brewery shall be allowed credit for tax paid on beer, light spirit

product or light wine which is no longer marketable and which is destroyed by same when such destruction is witnessed by an agent of the commissioner and when the amount of the excise tax exceeds One Hundred Dollars ($100.00). No other loss will be allowed.

A brewpub shall be allowed credit for light wine, light spirit product or beer which has passed through the meter, gauge glass or other approved measuring device and which has been soured or damaged. The brewpub shall record the removal of sour or damaged light wine, light spirit product or beer and may take credit after the destruction is witnessed by an agent of the commissioner and when the amount of excise tax exceeds Twenty-five Dollars ($25.00). No other loss shall be allowed.

(4) All manufacturers, brewers and importers of beer, light spirit product or light wine shall file monthly reports as prescribed by the commissioner listing sales to each wholesaler or distributor by date, invoice number, quantity and container size, and any other information deemed necessary.

(5) All small craft breweries and microbreweries shall file monthly reports as prescribed by the commissioner regarding the sale of light wine, light spirit product or beer authorized under Section 67-3-48.

(6) Manufacturers who offer and provide limited amounts of beer for tasting or sampling under Section 67-3-47 shall file monthly reports as prescribed by the commissioner regarding the beer provided for such tasting or sampling.

(7) All administrative provisions of the Mississippi Sales Tax Law, including those which fix damages, penalties and interest for nonpayment of taxes and for noncompliance with the provisions of such chapter, and all other requirements and duties imposed upon taxpayers, shall apply to all persons liable for taxes under the provisions of this chapter, and the commissioner shall exercise all the power and authority and perform all the duties with respect to taxpayers under this chapter as are provided in the sales tax law except where there is conflict, then the provisions of this chapter shall control.

SECTION 4. Section 27-71-509, Mississippi Code of 1972, is amended as follows:

27-71-509. It shall be unlawful for any brewer, manufacturer, distributor or retailer of light wines, light spirit products or beer to whom a permit has been issued under the provisions of Sections 67-3-15 and 67-3-23, Mississippi Code of 1972, to write or print on any label or container of either of the above-named commodities any matter relating to the alcoholic content of such beverage or beverages, except a statement, to the effect that the contents of the vessel or container in which light wine shall be sold does not contain alcohol in excess of five percent (5%) of the contents thereof, by weight, that the contents of the vessel or container in which light spirit product shall be sold does not contain alcohol in excess of * * * six percent (6%) of the contents thereof, by weight, and that the contents of the

vessel or container in which beer shall be sold does not contain alcohol in excess of eight percent (8%) of the contents thereof, by weight. It shall be unlawful for any such brewer, wholesaler, distributor or retailer to sell any such commodity with any statement in conflict with the provisions of this section, with reference to the alcoholic content of such beverage or beverages, except that a statement of alcoholic content may be expressed on any light wine, light spirit product or beer label in terms of volume or weight, at the manufacturer's option; and such statement, if by volume, shall be subject to the same permitted tolerance allowed for wine containing fourteen percent (14%) alcohol by volume or less by Section 4.36(b)(1) of the Federal Labeling Requirements for Wine, 27 CFR Part 4, subpart D, and Section 7.71(c) 27 CFR Part 7, subpart G, and, if by weight, shall be subject to an equivalent permitted tolerance, determined in terms of alcohol by weight.

SECTION 5. Section 67-3-3, Mississippi Code of 1972, is amended as follows:

67-3-3. When used in this chapter, unless the context indicates otherwise:

(a) "Commissioner" means the Commissioner of Revenue of the Department of Revenue of the State of Mississippi, and his authorized agents and employees.

(b) "Person" means one or more persons, a company, a corporation, a partnership, a syndicate or an association.

(c) "Brewpub" shall have the meaning ascribed to such term in Section 27-71-301.

(d) "Beer" means a malt beverage as defined in the Federal Alcohol Administration Act and any rules and regulations adopted pursuant to such act of an alcoholic content of not more than eight percent (8%) by weight.

(e) "Light wine" means wine of an alcoholic content of not more than five percent (5%) by weight.

(f) "Small craft brewery" means a person having a permit under this chapter to manufacture or brew light wine, light spirit product or beer in this state and who manufactures or brews not more than sixty thousand (60,000) barrels of light wine, light spirit product or beer at all breweries that such person or its affiliates, subsidiary or parent company owns or controls or with whom such person contracts with for the manufacture of light wine, light spirit product or beer. For purposes of this paragraph, contract-brewed beer manufactured by a person having a permit under this chapter to manufacture or brew light wine, light spirit product or beer shall be included in the sixty-thousand-barrel limitation.

(g) "Growler" means a sealed container that holds not more than one hundred twenty-eight (128) ounces of light wine, light spirit product or beer. A growler must have a label on it stating what it contains.

(h) "Manufacturer" shall have the meaning ascribed to such term in Section 27-71-301.

(i) "Contract-brewed beer" means beer brewed by a manufacturer who:

(i) Makes the beer pursuant to a written contract with another beer manufacturer, and neither entity has a controlling interest in the other entity;

(ii) Makes the beer in accordance with a recipe that is a trade secret of the beer manufacturer having its beer made under contract; and

(iii) Has no right to sell the beer to any other beer manufacturer, importer or wholesaler other than the beer manufacturer who contracted for the beer.

(j) "Light spirit product" means a beverage of an alcoholic content of not more than * * * six percent (6%) by weight and containing one or more distilled spirits, as defined in Section 67-1-5.

(k) "Microbrewery" means a person having a permit under this chapter to manufacture or brew light wine, light spirit product or beer in this state and who manufactures or brews not more than three thousand (3,000) barrels of light wine, light spirit product or beer at its permitted location.

SECTION 6. Section 67-3-48, Mississippi Code of 1972, is amended as follows:

67-3-48. (1) A small craft brewery may sell at retail light wine, light spirit product or beer produced at its brewery for consumption on the premises of the brewery and consumption off the premises of the brewery if the sales are made on the premises of the brewery and the light wine, light spirit product or beer products offered for sale are also made available for sale to wholesalers.

(2) (a) A small craft brewery shall not sell at retail more than * * * twenty-five percent (25%) of the light wine, light spirit product or beer produced annually at its brewery or more than * * * two thousand five hundred (2,500) barrels of light wine, light spirit product or beer produced at the brewery annually, whichever is the lesser amount. For purposes of this subsection, contract-brewed beer shall not be included in the amount of beer produced annually at the brewery. The light wine, light spirit product or beer must be sold at a price approximating retail prices generally charged for identical beverages in the county where the brewery is located.

(b) A small craft brewery shall not make retail sales of more than * * * six hundred seventy (670) ounces, in the aggregate, of light wine, light spirit product or beer to any one (1) individual for consumption off the premises of the brewery within a twenty-four-hour period.

(c) The limits on sales provided for in this subsection shall not apply to beer provided pursuant to Section 67-3-47.

(d) A microbrewery shall not sell at retail more than eighty percent (80%) of light wine, light spirit product or beer produced annually at its brewery. The light wine, light spirit product or beer must be sold at a price approximating prices generally charged for identical beverages in the county where the microbrewery is located.

(3) A small craft brewery or microbrewery shall take commercially reasonable steps to ensure that light wine, light spirit product or beer products sold for consumption off the premises of the brewery are being sold for personal use and not for resale and are not being sold to anyone holding a retail permit for the purpose of resale in their establishment.

(4) A small craft brewery or microbrewery shall not make retail sales of contract-brewed beer.

(5) A small craft brewery or microbrewery shall not mail or ship light wine, light spirit product or beer to a consumer.

SECTION 7. Section 67-3-49, Mississippi Code of 1972, is amended as follows:

67-3-49. (1) Except as otherwise provided in this section, it shall be unlawful for any brewer or manufacturer or distributor or wholesale dealer of or in light wines, light spirit products and/or beer to manufacture or knowingly bring upon his premises or keep thereon * * * any light spirit product of an alcoholic content of more than * * * six percent (6%) by weight, any beer of an alcoholic content of more than eight percent (8%) by

weight * * *. Any person that shall add to or mix with any beer, light spirit product or light wine any alcoholic or other liquid, or any alcohol cube or cubes, or any other ingredient or ingredients that will increase or tend to increase the alcoholic content of such liquor, or any person that shall knowingly offer for sale any liquor so treated, shall be guilty of a misdemeanor and punished as hereinafter provided in this chapter. The commissioner shall take any action he considers necessary to ensure that light wine, light spirit product and/or beer manufactured at a brewpub complies with the provisions of this section.

(2) A brewer or manufacturer of light wine, light spirit product or beer may manufacture and keep upon his premises beer of an alcoholic content of more than eight percent (8%) by weight if the beer is manufactured for legal sale in another state.

SECTION 8. Section 67-3-45, Mississippi Code of 1972, is amended as follows:

67-3-45. No manufacturer, distributor or wholesale dealer to whom or to which this chapter applies shall:

(a) Make any loan, directly or indirectly, or furnish any fixtures of any kind, directly or indirectly, to any retail dealer in light wines, light spirit products and/or beer;

(b) Have any interest, direct or indirect, in the business of or in the furnishings or fixtures or in the premises

used by any such retail dealer in connection with his or its business;

(c) Have any lien on any such property of any such retail dealer; or

(d) Sell light wines, light spirit products and/or beer to any such retail dealer on credit.

This section shall not apply to a brewpub licensed pursuant to Article 3, Chapter 71, Title 27, Mississippi Code of 1972, and shall not prohibit a microbrewery or small craft brewery licensed under Article 3, Chapter 71, Title 27, Mississippi Code of 1972, from being eligible to obtain a retail permit for the sale of beer, light wine or light spirit products on its premises.

SECTION 9. Section 67-3-55, Mississippi Code of 1972, is amended as follows:

67-3-55. (1) Except as otherwise provided in Section 67-1-41, it shall be unlawful for any retailer to possess for purpose of sale, to sell, or to offer to sell any light wine, light spirit product or beer which was not purchased from a wholesaler in this state who has a permit to sell such light wine, light spirit product or beer, except for beer, light spirit product or light wine that was brewed on the premises of the retailer who holds a permit as a brewpub pursuant to Article 3, Chapter 71, Title 27, Mississippi Code of 1972.

(2) It shall be unlawful for any wholesaler to possess for purpose of sale, to sell, or to offer to sell any light wine,

light spirit product or beer which was not purchased from a manufacturer or importer of a foreign manufacturer authorized to sell such light wine, light spirit product or beer in this state.

(3) This section shall not apply to:

(a) Beer offered and provided on the premises of a brewery for the purpose of tasting or sampling as authorized in Section 67-3-47; or

(b) Light wine, light spirit product or beer sold on the premises of a small craft brewery or microbrewery as authorized in Section 67-3-48.

SECTION 10. Section 67-1-51, Mississippi Code of 1972, as amended by House Bill No. 1135, 2021 Regular Session, House Bill No. 1288, 2021 Regular Session, Senate Bill No. 2606, 2021 Regular Session, and Senate Bill No. 2435, 2021 Regular Session, is amended as follows:

67-1-51. (1) Permits which may be issued by the department shall be as follows:

(a) **Manufacturer's permit.** A manufacturer's permit shall permit the manufacture, importation in bulk, bottling and storage of alcoholic liquor and its distribution and sale to manufacturers holding permits under this chapter in this state and to persons outside the state who are authorized by law to purchase the same, and to sell as provided by this chapter.

Manufacturer's permits shall be of the following classes:

Class 1. Distiller's and/or rectifier's permit, which shall authorize the holder thereof to operate a distillery for the production of distilled spirits by distillation or redistillation and/or to operate a rectifying plant for the purifying, refining, mixing, blending, flavoring or reducing in proof of distilled spirits and alcohol.

Class 2. Wine manufacturer's permit, which shall authorize the holder thereof to manufacture, import in bulk, bottle and store wine or vinous liquor.

Class 3. Native wine producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native wines.

Class 4. Native spirit producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native spirits.

(b) **Package retailer's permit.** Except as otherwise provided in this paragraph and Section 67-1-52, a package retailer's permit shall authorize the holder thereof to operate a store exclusively for the sale at retail in original sealed and unopened packages of alcoholic beverages, including native wines and native spirits, not to be consumed on the premises where sold. Alcoholic beverages shall not be sold by any retailer in any package or container containing less than fifty (50) milliliters by liquid measure. A package retailer's permit, with prior approval from the department, shall authorize the holder thereof

to sample new product furnished by a manufacturer's representative or his employees at the permitted place of business so long as the sampling otherwise complies with this chapter and applicable department regulations. Such samples may not be provided to customers at the permitted place of business. In addition to the sale at retail of packages of alcoholic beverages, the holder of a package retailer's permit is authorized to sell at retail corkscrews, wine glasses, soft drinks, ice, juices, mixers and other beverages commonly used to mix with alcoholic beverages. Nonalcoholic beverages sold by the holder of a package retailer's permit shall not be consumed on the premises where sold.

(c) **On-premises retailer's permit.** Except as otherwise provided in subsection (5) of this section, an on-premises retailer's permit shall authorize the sale of alcoholic beverages, including native wines and native spirits, for consumption on the licensed premises only; however, a patron of the permit holder may remove one (1) bottle of wine from the licensed premises if: (i) the patron consumed a portion of the bottle of wine in the course of consuming a meal purchased on the licensed premises; (ii) the permit holder securely reseals the bottle; (iii) the bottle is placed in a bag that is secured in a manner so that it will be visibly apparent if the bag is opened; and (iv) a dated receipt for the wine and the meal is available. Additionally, as part of a carryout order, a permit holder may sell one (1) bottle of wine to be removed from the licensed premises for every two (2) entrees

ordered. Such a permit shall be issued only to qualified hotels, restaurants and clubs, small craft breweries, microbreweries, and to common carriers with adequate facilities for serving passengers. In resort areas, whether inside or outside of a municipality, the department, in its discretion, may issue on-premises retailer's permits to such establishments as it deems proper. An on-premises retailer's permit when issued to a common carrier shall authorize the sale and serving of alcoholic beverages aboard any licensed vehicle while moving through any county of the state; however, the sale of such alcoholic beverages shall not be permitted while such vehicle is stopped in a county that has not legalized such sales. If an on-premises retailer's permit is applied for by a common carrier operating solely in the water, such common carrier must, along with all other qualifications for a permit, (i) be certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers and (ii) operate primarily in the waters within the State of Mississippi which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi and/or on the Mississippi River or navigable waters within any county bordering on the Mississippi River.

(d) **Solicitor's permit.** A solicitor's permit shall authorize the holder thereof to act as salesman for a manufacturer or wholesaler holding a proper permit, to solicit on behalf of his

employer orders for alcoholic beverages, and to otherwise promote his employer's products in a legitimate manner. Such a permit shall authorize the representation of and employment by one (1) principal only. However, the permittee may also, in the discretion of the department, be issued additional permits to represent other principals. No such permittee shall buy or sell alcoholic beverages for his own account, and no such beverage shall be brought into this state in pursuance of the exercise of such permit otherwise than through a permit issued to a wholesaler or manufacturer in the state.

(e) **Native wine retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native wine retailer's permit shall be issued only to a holder of a Class 3 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native wines to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native winery. When selling to consumers for on-premises consumption, a holder of a native wine retailer's permit may add to the native wine alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%) of the mixed beverage. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native wine retailer is located.

(f) **Temporary retailer's permit.** Except as otherwise provided in subsection (5) of this section, a temporary retailer's permit shall permit the purchase and resale of alcoholic beverages, including native wines and native spirits, during legal hours on the premises described in the temporary permit only.

Temporary retailer's permits shall be of the following classes:

Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the sale of alcoholic beverages, including native wine and native spirit, for consumption on the premises described in the temporary permit only. Class 1 permits may be issued only to applicants demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days prior to the proposed date or such other time as the department may determine, that they meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all alcoholic beverages from package retailers located in the county in which the temporary permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of

alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2. A temporary permit, not to exceed seventy (70) days, may be issued to prospective permittees seeking to transfer a permit authorized in paragraph (c) of this subsection. A Class 2 permit may be issued only to applicants demonstrating to the department, by a statement signed under the penalty of perjury, that they meet the qualifications of Sections 67-1-5(l), (m), (n), (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and 67-1-59. The department, following a preliminary review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2 temporary permittees must purchase their alcoholic beverages directly from the department or, with approval of the department, purchase the remaining stock of the previous permittee. If the proposed applicant of a Class 1 or Class 2 temporary permit falsifies information contained in the application or statement, the applicant shall never again be eligible for a retail alcohol beverage permit and shall be subject to prosecution for perjury.

Class 3. A temporary one-day permit may be issued to a retail establishment authorizing the complimentary distribution of wine, including native wine, to patrons of the retail establishment at an open house or promotional event, for

consumption only on the premises described in the temporary permit. A Class 3 permit may be issued only to an applicant demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days before the proposed date or such other time as the department may determine, that it meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. A Class 3 permit holder shall obtain all alcoholic beverages from the holder(s) of a package retailer's permit located in the county in which the temporary permit is issued. Wine remaining in stock upon expiration of the temporary permit may be returned by the Class 3 temporary permit holder to the package retailer for a refund of the purchase price, with consent of the package retailer, or may be kept by the Class 3 temporary permit holder exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. No retailer may receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to a retail establishment that either holds a merchant permit issued under paragraph (l) of this subsection, or holds a permit issued under Chapter 3, Title 67, Mississippi Code of 1972, authorizing

the holder to engage in the business of a retailer of light wine or beer.

(g) **Caterer's permit.** A caterer's permit shall permit the purchase of alcoholic beverages by a person engaging in business as a caterer and the resale of alcoholic beverages by such person in conjunction with such catering business. No person shall qualify as a caterer unless forty percent (40%) or more of the revenue derived from such catering business shall be from the serving of prepared food and not from the sale of alcoholic beverages and unless such person has obtained a permit for such business from the Department of Health. A caterer's permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in business as a caterer; however, the holder of an on-premises retailer's permit may hold a caterer's permit. When the holder of an on-premises retailer's permit or an affiliated entity of the holder also holds a caterer's permit, the caterer's permit shall not authorize the service of alcoholic beverages on a consistent, recurring basis at a separate, fixed location owned or operated by the caterer, on-premises retailer or affiliated entity and an on-premises retailer's permit shall be required for the separate location. All sales of alcoholic beverages by holders of a caterer's permit shall be made at the location being catered by the caterer, and, except as otherwise provided in subsection (5) of this section, such sales may be made only for consumption at the catered location. The location being

catered may be anywhere within a county or judicial district that has voted to come out from under the dry laws or in which the sale and distribution of alcoholic beverages is otherwise authorized by law. Such sales shall be made pursuant to any other conditions and restrictions which apply to sales made by on-premises retail permittees. The holder of a caterer's permit or his employees shall remain at the catered location as long as alcoholic beverages are being sold pursuant to the permit issued under this paragraph (g), and the permittee shall have at the location the identification card issued by the Alcoholic Beverage Control Division of the department. No unsold alcoholic beverages may be left at the catered location by the permittee upon the conclusion of his business at that location. Appropriate law enforcement officers and Alcoholic Beverage Control Division personnel may enter a catered location on private property in order to enforce laws governing the sale or serving of alcoholic beverages.

(h) **Research permit.** A research permit shall authorize the holder thereof to operate a research facility for the professional research of alcoholic beverages. Such permit shall authorize the holder of the permit to import and purchase limited amounts of alcoholic beverages from the department or from importers, wineries and distillers of alcoholic beverages for professional research.

(i) **Alcohol processing permit.** An alcohol processing permit shall authorize the holder thereof to purchase, transport

and possess alcoholic beverages for the exclusive use in cooking, processing or manufacturing products which contain alcoholic beverages as an integral ingredient. An alcohol processing permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in the business of cooking, processing or manufacturing products which contain alcoholic beverages. The amounts of alcoholic beverages allowed under an alcohol processing permit shall be set by the department.

(j) **Hospitality cart permit.** A hospitality cart permit shall authorize the sale of alcoholic beverages from a mobile cart on a golf course that is the holder of an on-premises retailer's permit. The alcoholic beverages sold from the cart must be consumed within the boundaries of the golf course.

(k) **Special service permit.** A special service permit shall authorize the holder to sell commercially sealed alcoholic beverages to the operator of a commercial or private aircraft for en route consumption only by passengers. A special service permit shall be issued only to a fixed-base operator who contracts with an airport facility to provide fueling and other associated services to commercial and private aircraft.

(l) **Merchant permit.** Except as otherwise provided in subsection (5) of this section, a merchant permit shall be issued only to the owner of a spa facility, an art studio or gallery, or a cooking school, and shall authorize the holder to serve complimentary by the glass wine only, including native wine, at

the holder's spa facility, art studio or gallery, or cooking school. A merchant permit holder shall obtain all wine from the holder of a package retailer's permit.

(m) **Temporary alcoholic beverages charitable auction permit.** A temporary permit, not to exceed five (5) days, may be issued to a qualifying charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code of 1986. The permit shall authorize the holder to sell alcoholic beverages for the limited purpose of raising funds for the organization during a live or silent auction that is conducted by the organization and that meets the following requirements: (i) the auction is conducted in an area of the state where the sale of alcoholic beverages is authorized; (ii) if the auction is conducted on the premises of an on-premises retailer's permit holder, then the alcoholic beverages to be auctioned must be stored separately from the alcoholic beverages sold, stored or served on the premises, must be removed from the premises immediately following the auction, and may not be consumed on the premises; (iii) the permit holder may not conduct more than two (2) auctions during a calendar year; (iv) the permit holder may not pay a commission or promotional fee to any person to arrange or conduct the auction.

(n) **Event venue retailer's permit.** An event venue retailer's permit shall authorize the holder thereof to purchase and resell alcoholic beverages, including native wines and native

spirits, for consumption on the premises during legal hours during events held on the licensed premises if food is being served at the event by a caterer who is not affiliated with or related to the permittee. The caterer must serve at least three (3) entrees. The permit may only be issued for venues that can accommodate two hundred (200) persons or more. The number of persons a venue may accommodate shall be determined by the local fire department and such determination shall be provided in writing and submitted along with all other documents required to be provided for an on-premises retailer's permit. The permittee must derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales for live entertainment in the building. "Event-related fees" do not include alcohol, beer or light wine sales or any fee which may be construed to cover the cost of alcohol, beer or light wine. This determination shall be made on a per event basis. An event may not last longer than two (2) consecutive days per week.

(o) **Temporary theatre permit.** A temporary theatre permit, not to exceed five (5) days, may be issued to a charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code and owns or operates a theatre facility that features plays and other theatrical performances and productions. Except as otherwise provided in subsection (5) of this section, the permit shall authorize the holder to sell alcoholic beverages, including native wines and

native spirits, to patrons of the theatre during performances and productions at the theatre facility for consumption during such performances and productions on the premises of the facility described in the permit. A temporary theatre permit holder shall obtain all alcoholic beverages from package retailers located in the county in which the permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary theatre permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages.

(p) **Charter ship operator's permit.** Subject to the provisions of this paragraph (p), a charter ship operator's permit shall authorize the holder thereof and its employees to serve, monitor, store and otherwise control the serving and availability of alcoholic beverages to customers of the permit holder during private charters under contract provided by the permit holder. A charter ship operator's permit shall authorize such action by the permit holder and its employees only as to alcoholic beverages brought onto the permit holder's ship by customers of the permit holder as part of such a private charter. All such alcoholic beverages must be removed from the charter ship at the conclusion of each private charter. A charter ship operator's permit shall not authorize the permit holder to sell, charge for or otherwise

supply alcoholic beverages to customers, except as authorized in this paragraph (p). For the purposes of this paragraph (p), "charter ship operator" means a common carrier that (i) is certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers, (ii) operates only in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, and (iii) provides charters under contract for tours and trips in such waters.

(q) **Distillery retailer's permit.** The holder of a Class 1 manufacturer's permit may obtain a distillery retailer's permit. A distillery retailer's permit shall authorize the holder thereof to sell at retail alcoholic beverages to consumers for on-premises consumption, or to consumers by the sealed and unopened bottle from a retail location at the distillery for off-premises consumption. The holder may only sell product manufactured by the manufacturer at the distillery described in the permit. However, when selling to consumers for on-premises consumption, a holder of a distillery retailer's permit may add other beverages, alcoholic or not, so long as the total volume of other beverage components containing alcohol does not exceed twenty percent (20%). Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the distillery retailer is located.

The holder shall not sell at retail more than ten percent (10%) of the alcoholic beverages produced annually at its distillery. The holder shall not make retail sales of more than two and twenty-five one-hundredths (2.25) liters, in the aggregate, of the alcoholic beverages produced at its distillery to any one (1) individual for consumption off the premises of the distillery within a twenty-four-hour period. The hours of sale shall be the same as those hours for package retailers under this chapter. The holder of a distillery retailer's permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse; however, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder shall pay to the department all taxes, fees and surcharges on the alcoholic beverages that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. In addition to alcoholic beverages, the holder of a distillery retailer's permit may sell at retail promotional products from the same retail location, including shirts, hats, glasses, and other promotional products customarily sold by alcoholic beverage manufacturers.

(r) **Festival Wine Permit.** Any wine manufacturer or native wine producer permitted by Mississippi or any other state is eligible to obtain a Festival Wine Permit. This permit authorizes the entity to transport product manufactured by it to

festivals held within the State of Mississippi and sell sealed, unopened bottles to festival participants. The holder of this permit may provide samples at no charge to participants. "Festival" means any event at which three (3) or more vendors are present at a location for the sale or distribution of goods. The holder of a Festival Wine Permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse. However, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder of this permit shall pay to the department all taxes, fees and surcharges on the alcoholic beverages sold at such festivals that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. Additionally, the entity shall file all applicable reports and returns as prescribed by the department. This permit is issued per festival and provides authority to sell for two (2) consecutive days during the hours authorized for on-premises permittees' sales in that county or city. The holder of the permit shall be required to maintain all requirements set by Local Option Law for the service and sale of alcoholic beverages. This permit may be issued to entities participating in festivals at which a Class 1 temporary permit is in effect.

This paragraph (r) shall stand repealed from and after July 1, 2023.

(s) **Charter vessel operator's permit.** Subject to the provisions of this paragraph (s), a charter vessel operator's permit shall authorize the holder thereof and its employees to sell and serve alcoholic beverages to passengers of the permit holder during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder. The permit shall authorize the holder to only sell alcoholic beverages, including native wines, to passengers of the charter vessel operator during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder aboard the charter vessel operator for consumption during such tours and cruises on the premises of the charter vessel operator described in the permit. For the purposes of this paragraph (s), "charter vessel operator" means a common carrier that (i) is certified to carry at least forty-nine (49) passengers, (ii) operates only in the waters within the State of Mississippi, which lie south of Interstate-10 in the three (3) most southern counties in the State of Mississippi, and lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, extending not further than one (1) mile south of such counties, and (iii) provides vessel services for tours and cruises in such waters as provided in this paragraph (s).

(* * *t) **Native spirit retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native spirit retailer's permit shall be issued only to a holder of a

Class 4 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native spirits to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native distillery. When selling to consumers for on-premises consumption, a holder of a native spirit retailer's permit may add to the native spirit alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%) of the mixed beverage. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native spirit retailer is located.

(u) **Delivery service permit.** Any individual, limited liability company, corporation or partnership registered to do business in this state is eligible to obtain a delivery service permit. Subject to the provisions of Section 1 of House Bill No. 1135, 2021 Regular Session, this permit authorizes the permittee, or its employee or an independent contractor acting on its behalf, to deliver alcoholic beverages, beer, light wine and light spirit product from a licensed retailer to a person in this state who is at least twenty-one (21) years of age for the individual's use and not for resale. This permit does not authorize the delivery of alcoholic beverages, beer, light wine or light spirit product to the premises of a location with a permit for the manufacture, distribution or retail sale of alcoholic beverages, beer, light

wine or light spirit product. The holder of a package retailer's permit or an on-premises retailer's permit under Section 67-1-51 or of a beer, light wine and light spirit product permit under Section 67-3-19 is authorized to apply for a delivery service permit as a privilege separate from its existing retail permit.

(2) Except as otherwise provided in subsection (4) of this section, retail permittees may hold more than one (1) retail permit, at the discretion of the department.

(3) (a) Except as otherwise provided in this subsection, no authority shall be granted to any person to manufacture, sell or store for sale any intoxicating liquor as specified in this chapter within four hundred (400) feet of any church, school, kindergarten or funeral home. However, within an area zoned commercial or business, such minimum distance shall be not less than one hundred (100) feet.

(b) A church or funeral home may waive the distance restrictions imposed in this subsection in favor of allowing issuance by the department of a permit, pursuant to subsection (1) of this section, to authorize activity relating to the manufacturing, sale or storage of alcoholic beverages which would otherwise be prohibited under the minimum distance criterion. Such waiver shall be in written form from the owner, the governing body, or the appropriate officer of the church or funeral home having the authority to execute such a waiver, and the waiver

shall be filed with and verified by the department before becoming effective.

(c) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a bed and breakfast inn listed in the National Register of Historic Places or to the sale or storage of alcoholic beverages in a historic district that is listed in the National Register of Historic Places, is a qualified resort area and is located in a municipality having a population greater than one hundred thousand (100,000) according to the latest federal decennial census.

(d) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a qualified resort area as defined in Section 67-1-5(o)(iii)32.

(e) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building formerly owned by a municipality and formerly leased by the municipality to a municipal school district and used by the municipal school district as a district bus shop facility.

(f) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building consisting of at least five thousand (5,000) square feet and located approximately

six hundred (600) feet from the intersection of Mississippi Highway 15 and Mississippi Highway 4.

(g) The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a licensed premises in a building located at the southeast corner of Ward and Tate Streets in the City of Senatobia, Mississippi.

(4) No person, either individually or as a member of a firm, partnership, limited liability company or association, or as a stockholder, officer or director in a corporation, shall own or control any interest in more than one (1) package retailer's permit, nor shall such person's spouse, if living in the same household of such person, any relative of such person, if living in the same household of such person, or any other person living in the same household with such person own any interest in any other package retailer's permit.

(5) (a) In addition to any other authority granted under this section, the holder of a permit issued under subsection (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may sell or otherwise provide alcoholic beverages and/or wine to a patron of the permit holder in the manner authorized in the permit and the patron may remove an open glass, cup or other container of the alcoholic beverage and/or wine from the licensed premises and may possess and consume the alcoholic beverage or wine outside of the licensed premises if: (i) the licensed premises is located

within a leisure and recreation district created under Section 67-1-101 and (ii) the patron remains within the boundaries of the leisure and recreation district while in possession of the alcoholic beverage or wine.

(b) Nothing in this subsection shall be construed to allow a person to bring any alcoholic beverages into a permitted premises except to the extent otherwise authorized by this chapter.

SECTION 11. Section 67-3-9, Mississippi Code of 1972, as amended by House Bill No. 945, 2021 Regular Session, is amended as follows:

67-3-9. Any city in this state, having a population of not less than two thousand five hundred (2,500) according to the latest federal decennial census; or any city in this state having a population of not less than one thousand five hundred (1,500) according to the latest federal decennial census and located within three (3) miles of a city or county that permits the sale, receipt, storage and transportation for the purpose of sale of beer, light spirit product or light wine; or any city or town in this state having a population of not less than one thousand (1,000) according to the latest federal decennial census and located in a county that has no city or town with a population of more than two thousand five hundred (2,500); or any city, town or village that is a county seat and has voted to come out from under the dry law under Section 67-1-14; at an election held for the

purpose, under the election laws applicable to such city, may either prohibit or permit, except as otherwise provided under Section 67-9-1, the sale and the receipt, storage and transportation for the purpose of sale of beer, light spirit product and light wine. An election to determine whether such sale shall be permitted in cities wherein its sale is prohibited by law shall be ordered by the city or town council or mayor and board of aldermen or other governing body of such city or town for such city or town only, upon the presentation of a petition for such city or town to such governing board containing the names of twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the duly qualified voters of such city or town asking for such election. In like manner, an election to determine whether such sale shall be prohibited in cities wherein its sale is permitted by law shall be ordered by the city council or mayor and board of aldermen or other governing board of such city for such city only, upon the presentation of a petition to such governing board containing the names of twenty percent (20%) of the duly qualified voters of such city asking for such election. No election on either question shall be held by any one (1) city more often than once in five (5) years.

Thirty (30) days' notice shall be given to the qualified electors of such city or town in the manner prescribed by law upon the question of either permitting or prohibiting such sale, and the notice shall contain a statement of the question to be voted

on at the election. The tickets to be used in the election shall have the following words printed thereon: "For the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than * * * six percent (6%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight"; and the words "Against the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than * * * six percent (6%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight," next below. In making up his or her ticket the voter shall make a cross (X) opposite the words of his choice.

If in the election a majority of the qualified electors voting in the election shall vote "For the legal sale of light wine of an alcoholic content of not more than five percent (5%) by weight, light spirit product of an alcoholic content of not more than * * * six percent (6%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight," then the city or town council or mayor and board of aldermen or other governing body shall pass the necessary order permitting the legal sale of such light wine, light spirit product and beer in such city or town. If in the election a majority of the qualified electors voting in the election shall vote "Against the legal sale of light wine of an alcoholic content of not more than five

percent (5%) by weight, light spirit product of an alcoholic content of not more than * * * six percent (6%) by weight, and beer of an alcoholic content of not more than eight percent (8%) by weight," then the city council or mayor and board of aldermen or other governing body shall pass the necessary order prohibiting the sale of such light wine, light spirit product and beer in such city.

All laws or parts of laws in conflict with this section are hereby repealed to the extent of such conflict only, this section being cumulative and supplementary.

SECTION 12. Section 67-3-17, Mississippi Code of 1972, is amended as follows:

67-3-17. (1) Any person desiring to engage in any business taxable under Sections 27-71-303 through 27-71-317, Mississippi Code of 1972, either as a retailer, or as a wholesaler or distributor, or as a manufacturer, of light wines, light spirit products or beer, shall file with the commissioner an application for a permit allowing him to engage in such business. The application for a permit shall contain a statement showing the name of the business, and if a partnership, firm, association or limited liability company, the name of each partner or member, and if a corporation the names of two (2) principal officers, the post office address, and the nature of business in which engaged. In case any business is conducted at two (2) or more separate places, a separate permit for each place of business shall be required.

The commissioner shall prescribe the form of the application and designate who is required to sign the application. The application shall be signed under penalty of perjury.

(2) The application shall include a statement that the applicant will not, except as otherwise authorized in this chapter, allow any alcoholic beverages as defined in Section 67-1-5, any beer having an alcoholic content of more than eight percent (8%) by weight, any spirit product having an alcoholic content of more than * * * six percent (6%) by weight, or any wine having an alcoholic content of more than five percent (5%) by weight, to be kept, stored or secreted in or on the premises described in such permit or license, and that the applicant will not otherwise violate any law of this state, or knowingly allow any other person to violate any such law, while in or on such premises.

(3) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

SECTION 13. Section 67-3-28, Mississippi Code of 1972, is amended as follows:

67-3-28. (1) Any person desiring to engage in business as a brewpub shall file with the commissioner, along with the application required by Section 67-3-17, Mississippi Code of 1972, a certificate issued by a licensed testing laboratory indicating that such laboratory has tested a sample of the applicant's beer,

light spirit product or light wine, or a combination thereof, and that the alcohol content of such sample of beer does not exceed eight percent (8%) by weight, and the alcohol content of such sample of light spirit product does not exceed * * * six percent (6%) by weight, and the alcoholic content of such sample of light wine does not exceed five percent (5%) by weight.

(2) Every brewpub shall be required to submit to random testing by the commissioner to determine whether any beer being manufactured, sold, kept, stored or secreted by the license holder contains an alcohol content greater than eight percent (8%) by weight, and light spirit product being manufactured, sold, kept, stored or secreted by the license holder contains an alcoholic content greater than * * * six percent (6%) by weight, and any light wine being manufactured, sold, kept, stored or secreted by the license holder contains an alcoholic content greater than five percent (5%) by weight. The commissioner shall establish and administer testing standards and procedures to be used in such random testing. The brewpub licensee shall be responsible for all costs incurred by the commissioner in conducting random testing under this section.

SECTION 14. Section 67-1-5, Mississippi Code of 1972, as amended by Senate Bill No. 2606, 2021 Regular Session, is amended as follows:

67-1-5. For the purposes of this chapter and unless otherwise required by the context:

(a) "Alcoholic beverage" means any alcoholic liquid, including wines of more than five percent (5%) of alcohol by weight, capable of being consumed as a beverage by a human being, but shall not include light wine, light spirit product and beer, as defined in Section 67-3-3, Mississippi Code of 1972, but shall include native wines and native spirits. The words "alcoholic beverage" shall not include ethyl alcohol manufactured or distilled solely for fuel purposes or beer of an alcoholic content of more than eight percent (8%) by weight if the beer is legally manufactured in this state for sale in another state.

(b) "Alcohol" means the product of distillation of any fermented liquid, whatever the origin thereof, and includes synthetic ethyl alcohol, but does not include denatured alcohol or wood alcohol.

(c) "Distilled spirits" means any beverage containing more than * * * six percent (6%) of alcohol by weight produced by distillation of fermented grain, starch, molasses or sugar, including dilutions and mixtures of these beverages.

(d) "Wine" or "vinous liquor" means any product obtained from the alcoholic fermentation of the juice of sound, ripe grapes, fruits, honey or berries and made in accordance with the revenue laws of the United States.

(e) "Person" means and includes any individual, partnership, corporation, association or other legal entity whatsoever.

(f) "Manufacturer" means any person engaged in manufacturing, distilling, rectifying, blending or bottling any alcoholic beverage.

(g) "Wholesaler" means any person, other than a manufacturer, engaged in distributing or selling any alcoholic beverage at wholesale for delivery within or without this state when such sale is for the purpose of resale by the purchaser.

(h) "Retailer" means any person who sells, distributes, or offers for sale or distribution, any alcoholic beverage for use or consumption by the purchaser and not for resale.

(i) "State Tax Commission," "commission" or "department" means the Department of Revenue of the State of Mississippi, which shall create a division in its organization to be known as the Alcoholic Beverage Control Division. Any reference to the commission or the department hereafter means the powers and duties of the Department of Revenue with reference to supervision of the Alcoholic Beverage Control Division.

(j) "Division" means the Alcoholic Beverage Control Division of the Department of Revenue.

(k) "Municipality" means any incorporated city or town of this state.

(l) "Hotel" means an establishment within a municipality, or within a qualified resort area approved as such by the department, where, in consideration of payment, food and lodging are habitually furnished to travelers and wherein are

located at least twenty (20) adequately furnished and completely separate sleeping rooms with adequate facilities that persons usually apply for and receive as overnight accommodations. Hotels in towns or cities of more than twenty-five thousand (25,000) population are similarly defined except that they must have fifty (50) or more sleeping rooms. Any such establishment described in this paragraph with less than fifty (50) beds shall operate one or more regular dining rooms designed to be constantly frequented by customers each day. When used in this chapter, the word "hotel" shall also be construed to include any establishment that meets the definition of "bed and breakfast inn" as provided in this section.

(m) "Restaurant" means:

(i) A place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation, which has suitable seating facilities for guests, and which has suitable kitchen facilities connected therewith for cooking an assortment of foods and meals commonly ordered at various hours of the day; the service of such food as sandwiches and salads only shall not be deemed in compliance with this requirement. Except as otherwise provided in this paragraph, no place shall qualify as a restaurant under this chapter unless twenty-five percent (25%) or more of the revenue derived from such place shall be from the preparation, cooking and serving of meals and not from the sale of beverages, or unless the value of food

given to and consumed by customers is equal to twenty-five percent (25%) or more of total revenue; or

(ii) Any privately owned business located in a building in a historic district where the district is listed in the National Register of Historic Places, where the building has a total occupancy rating of not less than one thousand (1,000) and where the business regularly utilizes ten thousand (10,000) square feet or more in the building for live entertainment, including not only the stage, lobby or area where the audience sits and/or stands, but also any other portion of the building necessary for the operation of the business, including any kitchen area, bar area, storage area and office space, but excluding any area for parking. In addition to the other requirements of this subparagraph, the business must also serve food to guests for compensation within the building and derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales to live entertainment in the building, and from the rental of all or part of the facilities of the business in the building to another party for a specific event or function.

(n) "Club" means an association or a corporation:

(i) Organized or created under the laws of this state for a period of five (5) years prior to July 1, 1966;

(ii) Organized not primarily for pecuniary profit but for the promotion of some common object other than the sale or consumption of alcoholic beverages;

(iii) Maintained by its members through the payment of annual dues;

(iv) Owning, hiring or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests;

(v) The affairs and management of which are conducted by a board of directors, board of governors, executive committee, or similar governing body chosen by the members at a regular meeting held at some periodic interval; and

(vi) No member, officer, agent or employee of which is paid, or directly or indirectly receives, in the form of a salary or other compensation any profit from the distribution or sale of alcoholic beverages to the club or to members or guests of the club beyond such salary or compensation as may be fixed and voted at a proper meeting by the board of directors or other governing body out of the general revenues of the club.

The department may, in its discretion, waive the five-year provision of this paragraph. In order to qualify under this paragraph, a club must file with the department, at the time of its application for a license under this chapter, two (2) copies of a list of the names and residences of its members and similarly

file, within ten (10) days after the election of any additional member, his name and address. Each club applying for a license shall also file with the department at the time of the application a copy of its articles of association, charter of incorporation, bylaws or other instruments governing the business and affairs thereof.

(o) "Qualified resort area" means any area or locality outside of the limits of incorporated municipalities in this state commonly known and accepted as a place which regularly and customarily attracts tourists, vacationists and other transients because of its historical, scenic or recreational facilities or attractions, or because of other attributes which regularly and customarily appeal to and attract tourists, vacationists and other transients in substantial numbers; however, no area or locality shall so qualify as a resort area until it has been duly and properly approved as such by the department. The department may not approve an area as a qualified resort area after July 1, 2018, if any portion of such proposed area is located within two (2) miles of a convent or monastery that is located in a county traversed by Interstate 55 and U.S. Highway 98. A convent or monastery may waive such distance restrictions in favor of allowing approval by the department of an area as a qualified resort area. Such waiver shall be in written form from the owner, the governing body, or the appropriate officer of the convent or monastery having the authority to execute such a waiver, and the

waiver shall be filed with and verified by the department before becoming effective.

(i) The department may approve an area or locality outside of the limits of an incorporated municipality that is in the process of being developed as a qualified resort area if such area or locality, when developed, can reasonably be expected to meet the requisites of the definition of the term "qualified resort area." In such a case, the status of qualified resort area shall not take effect until completion of the development.

(ii) The term includes any state park which is declared a resort area by the department; however, such declaration may only be initiated in a written request for resort area status made to the department by the Executive Director of the Department of Wildlife, Fisheries and Parks, and no permit for the sale of any alcoholic beverage, as defined in this chapter, except an on-premises retailer's permit, shall be issued for a hotel, restaurant or bed and breakfast inn in such park.

(iii) The term includes:

1. The clubhouses associated with the state park golf courses at the Lefleur's Bluff State Park, the John Kyle State Park, the Percy Quin State Park and the Hugh White State Park;

2. The clubhouse and associated golf course, tennis courts and related facilities and swimming pool and related facilities where the golf course, tennis courts and related

facilities and swimming pool and related facilities are adjacent to one or more planned residential developments and the golf course and all such developments collectively include at least seven hundred fifty (750) acres and at least four hundred (400) residential units;

3. Any facility located on property that is a game reserve with restricted access that consists of at least three thousand (3,000) contiguous acres with no public roads and that offers as a service hunts for a fee to overnight guests of the facility;

4. Any facility located on federal property surrounding a lake and designated as a recreational area by the United States Army Corps of Engineers that consists of at least one thousand five hundred (1,500) acres;

5. Any facility that is located in a municipality that is bordered by the Pearl River, traversed by Mississippi Highway 25, adjacent to the boundaries of the Jackson International Airport and is located in a county which has voted against coming out from under the dry law; however, any such facility may only be located in areas designated by the governing authorities of such municipality;

6. Any municipality with a population in excess of ten thousand (10,000) according to the latest federal decennial census that is located in a county that is bordered by the Pearl River and is not traversed by Interstate Highway 20,

with a population in excess of forty-five thousand (45,000) according to the latest federal decennial census; however, the governing authorities of such a municipality may by ordinance:

a. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages;

c. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

7. The West Pearl Restaurant Tax District as defined in Chapter 912, Local and Private Laws of 2007;

8. a. Land that is located in any county in which Mississippi Highway 43 and Mississippi Highway 25 intersect and:

A. Owned by the Pearl River Valley Water Supply District, and/or

B. Located within the Reservoir Community District, zoned commercial, east of Old Fannin Road, north of Regatta Drive, south of Spillway Road, west of Hugh Ward Boulevard and accessible by Old Fannin Road, Spillway Road, Spann Drive and/or Lake Vista Place, and/or

C. Located within the Reservoir Community District, zoned commercial, west of Old Fannin Road,

south of Spillway Road and extending to the boundary of the corporate limits of the City of Flowood, Mississippi;

b. The board of supervisors of such county, with respect to B and C of item 8.a., may by resolution or other order:

A. Specify the hours of operation of facilities that offer alcoholic beverages for sale,

B. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages, and

C. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

9. Any facility located on property that is a game reserve with restricted access that consists of at least eight hundred (800) contiguous acres with no public roads, that offers as a service hunts for a fee to overnight guests of the facility, and has accommodations for at least fifty (50) overnight guests;

10. Any facility that:

a. Consists of at least six thousand (6,000) square feet being heated and cooled along with an additional adjacent area that consists of at least two thousand two hundred (2,200) square feet regardless of whether heated and cooled,

b. For a fee is used to host events such as weddings, reunions and conventions,

c. Provides lodging accommodations regardless of whether part of the facility and/or located adjacent to or in close proximity to the facility, and

d. Is located on property that consists of at least thirty (30) contiguous acres;

11. Any facility and related property:

a. Located on property that consists of at least one hundred twenty-five (125) contiguous acres and consisting of an eighteen (18) hole golf course, and/or located in a facility that consists of at least eight thousand (8,000) square feet being heated and cooled,

b. Used for the purpose of providing meals and hosting events, and

c. Used for the purpose of teaching culinary arts courses and/or turf management and grounds keeping courses, and/or outdoor recreation and leadership courses;

12. Any facility and related property that:

a. Consist of at least eight thousand (8,000) square feet being heated and cooled,

b. For a fee is used to host events,

c. Is used for the purpose of culinary arts courses, and/or live entertainment courses and art performances, and/or outdoor recreation and leadership courses;

13. The clubhouse and associated golf course where the golf course is adjacent to one or more residential developments and the golf course and all such developments collectively include at least two hundred (200) acres and at least one hundred fifty (150) residential units and are located a. in a county that has voted against coming out from under the dry law; and b. outside of but in close proximity to a municipality in such county which has voted under Section 67-1-14, after January 1, 2013, to come out from under the dry law;

14. The clubhouse and associated eighteen (18) hole golf course located in a municipality traversed by Interstate Highway 55 and U.S. Highway 51 that has voted to come out from under the dry law;

15. a. Land that is planned for mixed use development and consists of at least two hundred (200) contiguous acres with one or more planned residential developments collectively planned to include at least two hundred (200) residential units when completed, and also including a facility that consists of at least four thousand (4,000) square feet that is not part of such land but is located adjacent to or in close proximity thereto, and which land is located:

* * * A. In a county that has voted to come out from under the dry law,

* * * B. Outside the corporate limits of any municipality in such county and adjacent to or in

close proximity to a golf course located in a municipality in such county, and

* * * C. Within one (1) mile of a state institution of higher learning;

b. The board of supervisors of such county may by resolution or other order:

A. Specify the hours of operation of facilities that offer alcoholic beverages for sale,

B. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages, and

C. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

16. Any facility with a capacity of five hundred (500) people or more, to be used as a venue for private events, on a tract of land in the Southwest Quarter of Section 33, Township 2 South, Range 7 East, of a county where U.S. Highway 45 and U.S. Highway 72 intersect and that has not voted to come out from under the dry law;

17. One hundred five (105) contiguous acres, more or less, located in Hinds County, Mississippi, and in the City of Jackson, Mississippi, whereon are constructed a variety of buildings, improvements, grounds or objects for the purpose of

holding events thereon to promote agricultural and industrial development in Mississippi;

18. Land that is owned by a state institution of higher learning and:

a. Located entirely within a county that has elected by majority vote not to permit the transportation, storage, sale, distribution, receipt and/or manufacture of light wine and beer pursuant to Section 67-3-7, and

b. Adjacent to but outside the incorporated limits of a municipality that has elected by majority vote to permit the sale, receipt, storage and transportation of light wine and beer pursuant to Section 67-3-9.

If any portion of the land described in this item 18 has been declared a qualified resort area by the department before July 1, 2020, then that qualified resort area shall be incorporated into the qualified resort area created by this item 18;

19. Any facility and related property:

a. Used as a flea market or similar venue during a weekend (Saturday and Sunday) immediately preceding the first Monday of a month and having an annual average of at least one thousand (1,000) visitors for each such weekend and five hundred (500) vendors for Saturday of each such weekend, and

b. Located in a county that has not voted to come out from under the dry law and outside of but in

close proximity to a municipality located in such county and which municipality has voted to come out from under the dry law;

20. Blocks 1, 2 and 3 of the original town square in any municipality with a population in excess of one thousand five hundred (1,500) according to the latest federal decennial census and which is located in:

a. A county traversed by Interstate 55 and Interstate 20, and

b. A judicial district that has not voted to come out from under the dry law;

21. Any municipality with a population in excess of two thousand (2,000) according to the latest federal decennial census and in which is located a part of White's Creek Lake and in which U.S. Highway 82 intersects with Mississippi Highway 9 and located in a county that is partially bordered on one (1) side by the Big Black River; however, the governing authorities of such a municipality may by ordinance:

a. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and

c. Designate the areas in which facilities that offer alcoholic beverages for sale may be located * * *;

22. A restaurant located on a two-acre tract adjacent to a five-hundred-fifty-acre lake in the northeast corner of a county traversed by U.S. Interstate 55 and U.S. Highway 84 * * *;

23. Any tracts of land in Oktibbeha County, situated * * * west of Mississippi * * * Highway 12, north of Coliseum Boulevard * * *, east of * * * George Perry Street and south of Mississippi Highway 182, and not located on the property of a state institution of higher learning * * *; however, the board of supervisors of such county may by resolution or other order:

a. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and

c. Designate the areas in which facilities that offer alcoholic beverages for sale may be located;

24. A municipality in which Mississippi Highway 27 and Mississippi Highway 28 intersect; however, the governing authorities of such a municipality may by ordinance:

a. Specify the hours of operation of facilities offering alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities offering alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and

c. Designate the areas in which facilities offering alcoholic beverages for sale may be located;

25. A municipality through which run Mississippi Highway 35 and Interstate 20; however, the governing authorities of such a municipality may by ordinance:

a. Specify the hours of operation of facilities offering alcoholic beverages for sale;

b. Specify the percentage of revenue that facilities offering alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and

c. Designate the areas in which facilities offering alcoholic beverages for sale may be located;

26. A municipality in which Mississippi Highway 16 and Mississippi Highway 35 intersect;

27. A municipality in which U.S. Highway 82 and Old Highway 61 intersect;

28. A municipality in which Mississippi Highway 8 meets Mississippi Highway 1;

29. A municipality in which U.S. Highway 82 and Mississippi Highway 1 intersect;

30. A municipality in which Mississippi Highway 50 meets Mississippi Highway 9;

31. An area bounded on the north by Pearl Street, on the east by West Street, on the south by Court Street and on the west by Farish Street, within a municipality bordered on the east by the Pearl River and through which run Interstate 20 and Interstate 55;

32. Any facility and related property that:

a. Is contracted for mixed-use development improvements consisting of office and residential space and a restaurant and lounge, partially occupying the renovated space of a four-story commercial building which previously served as a financial institution; and adjacent property to the west consisting of a single-story office building that was originally occupied by the Brotherhood of Carpenters and Joiners of American Local Number 569; and

b. Is situated on a tract of land consisting of approximately one and one-tenth (1.10) acres, and the adjacent property to the west consisting of approximately 0.5 acres, located in a municipality which is the seat of county government, situated south of Interstate 10, traversed by U.S. Highway 90, partially bordered on one (1) side by the Pascagoula River and having its most southern boundary bordered by the Gulf

of Mexico, with a population greater than twenty-two thousand (22,000) according to the 2010 federal decennial census; however, the governing authorities of such a municipality may by ordinance:

A. Specify the hours of operation of facilities that offer alcoholic beverages for sale;

B. Specify the percentage of revenue that facilities that offer alcoholic beverages for sale must derive from the preparation, cooking and serving of meals and not from the sale of beverages; and

C. Designate the areas within the facilities in which alcoholic beverages may be offered for sale;

33. Any facility with a maximum capacity of one hundred twenty (120) people that consists of at least three thousand (3,000) square feet being heated and cooled, has a commercial kitchen, has a pavilion that consists of at least nine thousand (9,000) square feet and is located on land more particularly described as follows:

All that part of the East Half of the Northwest Quarter of Section 21, Township 7 South, Range 4 East, Union County, Mississippi, that lies South of Mississippi State Highway 348 right-of-way and containing 19.48 acres, more or less.

ALSO,

The Northeast 38 acres of the Southwest Quarter of Section 21, Township 7 South, Range 4 East, Union County, Mississippi.

ALSO,

The South 81 1/2 acres of the Southwest Quarter of Section 21, Township 7 South, Range 4 East, Union County, Mississippi; and

34. A municipality in which U.S. Highway 51 and Mississippi Highway 16 intersect.

The status of these municipalities, districts, clubhouses, facilities, golf courses and areas described in subparagraph (iii) of this paragraph (o) as qualified resort areas does not require any declaration of same by the department.

(p) "Native wine" means any product, produced in Mississippi for sale, having an alcohol content not to exceed twenty-one percent (21%) by weight and made in accordance with revenue laws of the United States, which shall be obtained primarily from the alcoholic fermentation of the juice of ripe grapes, fruits, berries, honey or vegetables grown and produced in Mississippi; provided that bulk, concentrated or fortified wines used for blending may be produced without this state and used in producing native wines. The department shall adopt and promulgate rules and regulations to permit a producer to import such bulk and/or fortified wines into this state for use in blending with

native wines without payment of any excise tax that would otherwise accrue thereon.

(q) "Native winery" means any place or establishment within the State of Mississippi where native wine is produced, in whole or in part, for sale.

(r) "Bed and breakfast inn" means an establishment within a municipality where in consideration of payment, breakfast and lodging are habitually furnished to travelers and wherein are located not less than eight (8) and not more than nineteen (19) adequately furnished and completely separate sleeping rooms with adequate facilities, that persons usually apply for and receive as overnight accommodations; however, such restriction on the minimum number of sleeping rooms shall not apply to establishments on the National Register of Historic Places. No place shall qualify as a bed and breakfast inn under this chapter unless on the date of the initial application for a license under this chapter more than fifty percent (50%) of the sleeping rooms are located in a structure formerly used as a residence.

(s) "Board" shall refer to the Board of Tax Appeals of the State of Mississippi.

(t) "Spa facility" means an establishment within a municipality or qualified resort area and owned by a hotel where, in consideration of payment, patrons receive from licensed professionals a variety of private personal care treatments such as massages, facials, waxes, exfoliation and hairstyling.

(u) "Art studio or gallery" means an establishment within a municipality or qualified resort area that is in the sole business of allowing patrons to view and/or purchase paintings and other creative artwork.

(v) "Cooking school" means an establishment within a municipality or qualified resort area and owned by a nationally recognized company that offers an established culinary education curriculum and program where, in consideration of payment, patrons are given scheduled professional group instruction on culinary techniques. For purposes of this paragraph, the definition of cooking school shall not include schools or classes offered by grocery stores, convenience stores or drugstores.

(w) "Campus" means property owned by a public school district, community or junior college, college or university in this state where educational courses are taught, school functions are held, tests and examinations are administered or academic course credits are awarded; however, the term shall not include any "restaurant" or "hotel" that is located on property owned by a community or junior college, college or university in this state, and is operated by a third party who receives all revenue generated from food and alcoholic beverage sales.

(x) "Native spirit" shall mean any beverage, produced in Mississippi for sale, manufactured primarily by the distillation of fermented grain, starch, molasses or sugar produced in Mississippi, including dilutions and mixtures of these

beverages. In order to be classified as "native spirit" under the provisions of this chapter, at least fifty-one percent (51%) of the finished product by volume shall have been obtained from distillation of fermented grain, starch, molasses or sugar grown and produced in Mississippi.

(y) "Native distillery" shall mean any place or establishment within this state where native spirit is produced in whole or in part for sale.

SECTION 15. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1095

Description: Department of Revenue; authorize to compromise and settle certain tax liabilities.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	02/02	(H) Title Suff Do Pass As Amended
3	02/11	(H) Amended
4	02/11	(H) Passed As Amended {Vote}
5	02/12	(H) Transmitted To Senate
6	02/18	(S) Referred To Finance; Accountability, Efficiency, Transparency
7	03/02	(S) DR - TSDP: FI To AC
8	03/02	(S) Title Suff Do Pass
9	03/09	(S) Passed {Vote}
10	03/09	(S) Motion to Reconsider Entered
11	03/10	(S) Reconsidered
12	03/10	(S) Amended
13	03/10	(S) Passed As Amended {Vote}
14	03/11	(S) Returned For Concurrence
15	03/17	(H) Decline to Concur/Invite Conf
16	03/23	(H) Conferees Named Lamar,Steverson,Massengill
17	03/24	(S) Conferees Named Harkins,Johnson,Blount
18	03/29	(S) Conference Report Filed
19	03/29	(H) Conference Report Filed
20	03/30	(S) Conference Report Adopted {Vote}
21	03/30	(H) Conference Report Adopted {Vote}
22	04/01	(H) Enrolled Bill Signed
23	04/01	(S) Enrolled Bill Signed
24	04/16	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 2 ***Adopted*** Voice Vote
[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1095
Conference Reports:
| Conference Report

Code Section: A 031-0019-0027, A 031-0019-0029, A 027-0003-0073, A 027-0007-0083, A 027-0013-0057, A 027-0065-0081

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance, Accountability, Efficiency, Transparency

Principal Author: Lamar

Title: AN ACT TO AUTHORIZE THE COMMISSIONER OF REVENUE TO DEVELOP PROCEDURES FOR THE RECEIPT AND CONSIDERATION OF OFFERS TO COMPROMISE AND SETTLE FINALLY DETERMINED TAX LIABILITIES THAT ARE DOUBTFUL CLAIMS; TO AUTHORIZE THE COMMISSIONER OF REVENUE, UPON THE ADVICE OF THE ATTORNEY GENERAL, TO ENTER INTO AN AGREEMENT WITH A TAXPAYER UNDER WHICH A FINALLY DETERMINED TAX LIABILITY THAT IS A DOUBTFUL CLAIM IS SETTLED AND COMPROMISED; TO PROVIDE THAT IF THE SETTLEMENT AGREEMENT IS APPROVED BY THE GOVERNOR, THE AGREEMENT SHALL BE BINDING AND A TAXPAYER'S LIABILITIES FOR TAXES, INTEREST AND PENALTIES WILL BE FULLY AND FINALLY COMPROMISED; TO PROVIDE THAT IF THE COMMISSIONER OF REVENUE LATER DETERMINES THAT THE TAXPAYER MISREPRESENTED THE FINANCIAL CONDITION OF THE TAXPAYER OR ANY PROPERTY BELONGING TO THE TAXPAYER OR OTHER PERSON LIABLE FOR THE TAX, ALL COMPROMISED LIABILITIES MAY BE REESTABLISHED; TO AMEND SECTION 31-19-27, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A DOUBTFUL CLAIM IS A CLAIM FOR A FINALLY DETERMINED TAX LIABILITY FOR WHICH A NOTICE OF TAX LIEN HAS BEEN ENROLLED IN THE UNIFORM STATE TAX LIEN REGISTRY AND FOR THE COLLECTION OF WHICH THE ORDINARY PROCESS OF LAW HAS BEEN INEFFECTUAL; TO AMEND SECTION 31-19-29, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF REVENUE AND THE DEPARTMENT OF REVENUE TO PROVIDE CERTAIN INFORMATION REGARDING DOUBTFUL CLAIMS TO THE ATTORNEY GENERAL OR HIS DESIGNATED REPRESENTATIVE; TO AMEND SECTIONS 27-3-73, 27-7-83, 27-13-57 AND 27-65-81, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 1095

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Lamar To: Ways and Means

HOUSE BILL NO. 1095
(As Sent to Governor)

AN ACT TO AUTHORIZE THE COMMISSIONER OF REVENUE TO DEVELOP PROCEDURES FOR THE RECEIPT AND CONSIDERATION OF OFFERS TO COMPROMISE AND SETTLE FINALLY DETERMINED TAX LIABILITIES THAT ARE DOUBTFUL CLAIMS; TO AUTHORIZE THE COMMISSIONER OF REVENUE, UPON THE ADVICE OF THE ATTORNEY GENERAL, TO ENTER INTO AN AGREEMENT WITH A TAXPAYER UNDER WHICH A FINALLY DETERMINED TAX LIABILITY THAT IS A DOUBTFUL CLAIM IS SETTLED AND COMPROMISED; TO PROVIDE THAT IF THE SETTLEMENT AGREEMENT IS APPROVED BY THE GOVERNOR, THE AGREEMENT SHALL BE BINDING AND A TAXPAYER'S LIABILITIES FOR TAXES, INTEREST AND PENALTIES WILL BE FULLY AND FINALLY COMPROMISED; TO PROVIDE THAT IF THE COMMISSIONER OF REVENUE LATER DETERMINES THAT THE TAXPAYER MISREPRESENTED THE FINANCIAL CONDITION OF THE TAXPAYER OR ANY PROPERTY BELONGING TO THE TAXPAYER OR OTHER PERSON LIABLE FOR THE TAX, ALL COMPROMISED LIABILITIES MAY BE REESTABLISHED; TO AMEND SECTION 31-19-27, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A DOUBTFUL CLAIM IS A CLAIM FOR A FINALLY DETERMINED TAX LIABILITY FOR WHICH A NOTICE OF TAX LIEN HAS BEEN ENROLLED IN THE UNIFORM STATE TAX LIEN REGISTRY AND FOR THE COLLECTION OF WHICH THE ORDINARY PROCESS OF LAW HAS BEEN INEFFECTUAL; TO AMEND SECTION 31-19-29, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF REVENUE AND THE DEPARTMENT OF REVENUE TO PROVIDE CERTAIN INFORMATION REGARDING DOUBTFUL CLAIMS TO THE ATTORNEY GENERAL OR HIS DESIGNATED REPRESENTATIVE; TO AMEND SECTIONS 27-3-73, 27-7-83, 27-13-57 AND 27-65-81, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The Commissioner of Revenue shall develop procedures for the receipt and consideration of offers to compromise and settle doubtful claims as defined in Section

31-19-27. If the commissioner makes a determination that a finally determined tax liability is a doubtful claim as defined in Section 31-19-27 and should be settled and compromised, that recommendation shall be made to the Governor as provided in Section 31-19-29.

(2) Upon the advice of the Attorney General, the Commissioner of Revenue is authorized to enter into an agreement with a taxpayer under which a finally determined tax liability that is a doubtful claim is settled and compromised. The settlement agreement shall be binding and a taxpayer's liabilities for taxes, interest and penalties will be fully and finally compromised. If the Commissioner of Revenue later determines that the taxpayer misrepresented, whether intentionally or not, the financial condition of the taxpayer or any property belonging to the taxpayer or other person liable for the tax, all compromised liabilities may be reestablished without regard to any statute of limitations that otherwise may be applicable.

(3) The Commissioner of Revenue and the Department of Revenue may discuss with and provide the Attorney General or his designated representative with information related to an offer to compromise and settle any doubtful claim under this section. Such discussions shall be subject to the confidentiality requirements of Sections 27-3-73, 27-7-83, 27-13-57 and/or 27-65-81, as the case may be.

(4) The Commissioner of Revenue shall have all powers necessary to implement and administer this section, and shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section.

SECTION 2. Section 31-19-27, Mississippi Code of 1972, is amended as follows:

31-19-27. (1) A doubtful claim of the state, or of the county, city, town, village, or levee board is one for which judgment has been rendered and for the collection of which the ordinary process of law has been ineffectual; debts due by drainage districts or other taxing districts or sinking funds to counties under the Rehabilitation Act of 1928, being Chapter 88 * * *, Laws of 1928, and Chapter 16 of the Acts of the Special Session of 1931; those debts due counties by drainage districts, which the Reconstruction Finance Corporation has heretofore refused to refinance; debts due for sixteenth section township school fund loans made to churches, where the board of supervisors finds that the value of the security given therefor is insufficient or inadequate to pay or satisfy the principal and interest of said loan, and when the church repays the principal of said loan; and debts due by counties and townships to drainage districts for drainage district assessments or taxes levied and assessed upon sixteenth section lands.

(2) For the purposes of Section 1 of this act, a doubtful claim is one for which a notice of tax lien has been enrolled in the Uniform State Tax Lien registry for a finally determined tax liability and for the collection of which the ordinary process of law has been ineffectual.

SECTION 3. Section 31-19-29, Mississippi Code of 1972, is amended as follows:

31-19-29. The Governor, on the advice of the Attorney General or * * * Commissioner of Revenue of the * * * Department of Revenue, may, upon application of the defendant or debtor proposing a compromise, settle and compromise any doubtful claim, as described in Section 31-19-27(1), of the state, or of any county, city, town, or village, or of any levee board against such defendant or debtor, upon such terms as he may deem proper, the board of supervisors in the case of a county, and the municipal authorities in the case of a city, town or village, and the levee board in the case of a claim of a levee board, concurring therein. The Governor, upon application of a drainage district having obligations outstanding to a county under the provisions of Chapter 88, Laws of 1928, and Chapter 16, Laws of the Extraordinary Session of 1931, or obligations which the Reconstruction Finance Corporation has heretofore refused to refinance, may settle and compromise any claim, debt or obligation that said drainage district may owe any county in the State of Mississippi for money loaned said district under the provisions of

said Chapter 88, Laws of 1928, or any other claim, debt or obligation that said drainage district may owe the county which the Reconstruction Finance Corporation has heretofore refused to finance, if the board of supervisors of said county concurs in the application of the drainage district. The Governor, upon application by the board of supervisors for any taxing districts of said county or sinking funds of said county under the control and supervision of said board of supervisors having obligations outstanding and due to said county under the provisions of Chapter 88, Laws of 1928, and Chapter 16, Laws of the Extraordinary Session of 1931, may settle and compromise any claim, debt, or obligation that said taxing districts or sinking funds may owe said county for money loaned said taxing districts or sinking funds under the provisions of said Chapter 88, Laws of 1928; and provided that the Governor, on the advice of the Attorney General, and upon application of a church owing a sixteenth section township school fund loan, may settle and compromise such debt or obligation if the board of supervisors of the said county concurs in the application of the said church. The Governor may, on the advice of the Attorney General, in like manner compromise and settle a claim of a drainage district for unpaid assessments or taxes upon sixteenth section lands upon application of the board of supervisors wherein such sixteenth section is situated, if the commissioners of the drainage district concur therein.

SECTION 4. Section 27-3-73, Mississippi Code of 1972, is amended as follows:

27-3-73. (1) Except in accordance with proper judicial order or as otherwise provided in this section or as authorized in Section 27-4-3, it shall be unlawful for the Commissioner of Revenue, or any deputy, agent, clerk or other officer or employee of the Department of Revenue, to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required on any taxes collected by reports received by the Department of Revenue. This provision relates to all taxes collected by the Department of Revenue and not referred to in Sections 27-7-83, 27-13-57 and 27-65-81, requiring confidentiality of income tax, franchise tax and sales tax returns. All system edits, thresholds, and any other automated system calculations used by the Department of Revenue in the processing of returns or statistics or used to determine the correct tax due for all taxes administered by the department shall be considered confidential information and may not be divulged or made known. Nothing in this section shall be construed to prohibit the publication of statistics, so classified as to prevent the identification of particular reports or returns and the items thereof, or the inspection by the Attorney General, or any other attorney representing the state, of the report or return of any taxpayer who shall bring action to set aside the tax thereon, or against whom an action or proceeding has been

instituted to recover any tax or penalty imposed. Additionally, nothing in this section shall prohibit the Commissioner of Revenue from making available information necessary to recover taxes owing the state pursuant to the authority granted in Section 27-75-16.

The term "proper judicial order" as used in this section shall not include subpoenas or subpoenas duces tecum but shall include only those orders entered by a court of record in this state after furnishing notice and a hearing to the taxpayer and the Department of Revenue. The court shall not authorize the furnishing of such information unless it is satisfied that the information is needed to pursue pending litigation wherein the return itself is in issue, or the judge is satisfied that the need for furnishing the information outweighs the rights of the taxpayer to have such information secreted.

However, information relating to possible tax liability to other states or the federal government may be furnished to the revenue departments of those states or the federal government when the states or federal government grant a like comity to Mississippi.

(2) The State Auditor and the employees of his office shall have the right to examine only such tax returns as are necessary for auditing the Department of Revenue, and the same prohibitions against disclosure which apply to the Department of Revenue shall apply to the State Auditor and his office.

(3) Officers and employees of the Mississippi Development Authority who execute a confidentiality agreement with the Department of Revenue shall be authorized to discuss and examine information to which this section applies at the offices of the Mississippi Department of Revenue. This disclosure is limited to information necessary to properly administer the programs under the jurisdiction of the Mississippi Development Authority. The Department of Revenue is authorized to disclose to officers and employees of the Mississippi Development Authority who execute a confidentiality agreement the information necessary under the circumstances. The same prohibitions against disclosure which apply to the Department of Revenue shall apply to the officers or employees of the Mississippi Development Authority.

(4) Information required by the University Research Center to prepare the analyses required by Sections 57-13-101 through 57-13-109 shall be furnished to the University Research Center upon request. It shall be unlawful for any officer or employee of the University Research Center to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any information received by the center from the Department of Revenue other than as may be required by Sections 57-13-101 through 57-13-109 in an analysis prepared pursuant to Sections 57-13-101 through 57-13-109.

(5) Information required by the Mississippi Development Authority to prepare the reports required by Section 57-1-12.2

shall be furnished to the Mississippi Development Authority upon request. It shall be unlawful for any officer or employee of the Mississippi Development Authority to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any information received by the Mississippi Development Authority from the Department of Revenue other than as may be required by Section 57-1-12.2 in a report prepared pursuant to Section 57-1-12.2.

(6) Information necessary to comply with Chapter 13, Title 85, may be furnished to financial institutions. It shall be unlawful for any officer or employee of the financial institution to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any information received by the financial institution from the Department of Revenue other than as may be authorized by Chapter 13, Title 85.

(7) The Commissioner of Revenue and the Department of Revenue are authorized to discuss with and provide the Attorney General or his designated representative with information related to an offer to compromise and settle any doubtful claim regarding a finally determined tax liability as authorized by Section 1 of this act. It shall be unlawful for the Attorney General or any officer or employee of the Attorney General to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any information received by the Attorney

General's office from the Commissioner of Revenue or Department of Revenue other than as may be required by Section 1 of this act.

(* * *8) Any person who violates the provisions of this section shall be guilty of a misdemeanor and, on conviction thereof, shall be fined not more than One Thousand Dollars ($1,000.00) or imprisoned not more than six (6) months in the county jail, or both.

(* * *9) The Commissioner of Revenue and the Department of Revenue are authorized to disclose to the Child Support Unit and to the Fraud Investigation Unit of the Department of Human Services without the need for a subpoena or proper judicial order the name, address, social security number, amount of income, amount of sales tax, source of income, assets and other relevant information, records and tax forms for individuals who are delinquent in the payment of any child support as defined in Section 93-11-101 or who are under investigation for fraud or abuse of any state or federal program or statute as provided in Section 43-1-23.

SECTION 5. Section 27-7-83, Mississippi Code of 1972, is amended as follows:

27-7-83. (1) Returns and return information filed or furnished under the provisions of this chapter shall be confidential, and except in accordance with proper judicial order, as otherwise authorized by this section, as authorized in Section 27-4-3 or as authorized under Section 27-7-821, it shall be

unlawful for the Commissioner of Revenue or any deputy, agent, clerk or other officer or employee of the Department of Revenue or the Mississippi Department of Information Technology Services, or any former employee thereof, to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required. The provisions of this section shall apply fully to any federal return, a copy of any portion of a federal return, or any information reflected on a federal return which is attached to or made a part of the state tax return. Likewise, the provisions of this section shall apply to any federal return or portion thereof, or to any federal return information data which is acquired from the Internal Revenue Service for state tax administration purposes pursuant to the Federal-State Exchange Program cited at Section 6103, Federal Internal Revenue Code. The term "proper judicial order" as used in this section shall not include subpoenas or subpoenas duces tecum, but shall include only those orders entered by a court of record in this state after furnishing notice and a hearing to the taxpayer and the Department of Revenue. The court shall not authorize the furnishing of such information unless it is satisfied that the information is needed to pursue pending litigation wherein the return itself is in issue, or the judge is satisfied that the need for furnishing the information outweighs the rights of the taxpayer to have such information secreted.

(2) Returns and return information with respect to taxes imposed by this chapter shall be open to inspection by or disclosure to the Commissioner of the Internal Revenue Service of the United States, or the proper officer of any state imposing an income tax similar to that imposed by this chapter, or the authorized representatives of such agencies. Such inspection shall be permitted, or such disclosure made, only upon written request by the head of such agencies, or the district director in the case of the Internal Revenue Service, and only to the representatives of such agencies designated in a written statement to the Commissioner of Revenue as the individuals who are to inspect or to receive the return or return information on behalf of such agency. The Commissioner of Revenue is authorized to enter into agreements with the Internal Revenue Service and with other states for the exchange of returns and return information data, or the disclosure of returns or return information data to such agencies, only to the extent that the statutes of the United States or of such other state, as the case may be, grant substantially similar privileges to the proper officer of this state charged with the administration of the tax laws of this state.

(3) (a) The return of a person shall, upon written request, be open to inspection by or disclosure to:

(i) In the case of the return of an individual, that individual;

(ii) In the case of an income tax return filed jointly, either of the individuals with respect to whom the return is filed;

(iii) In the case of the return of a partnership, any person who was a member of such partnership during any part of the period covered by the return;

(iv) In the case of the return of a corporation or a subsidiary thereof, any person designated by resolution of its board of directors or other similar governing body, or any officer or employee of such corporation upon written request signed by any principal officer and attested to by the secretary or other officer;

(v) In the case of the return of an estate, the administrator, executor or trustee of such estate, and any heir at law, next of kin or beneficiary under the will, of the decedent, but only to the extent that such latter persons have a material interest which will be affected by information contained therein;

(vi) In the case of the return of a trust, the trustee or trustees, jointly or separately, and any beneficiary of such trust, but only to the extent that such beneficiary has a material interest which will be affected by information contained therein;

(vii) In the case of the return of an individual or a return filed jointly, any claimant agency or claimant local government seeking to collect a debt through the setoff procedure

established in Sections 27-7-701 through 27-7-713, Sections 27-7-501 through 27-7-519 and/or Sections 27-7-801 through 27-7-823, as the case may be, from an individual with respect to whom the return is filed.

(b) If an individual described in paragraph (a) is legally incompetent, the applicable return shall, upon written request, be open to inspection by or disclosure to the committee, trustee or guardian of his estate.

(c) If substantially all of the property of the person with respect to whom the return is filed is in the hands of a trustee in bankruptcy or receiver, such return or returns for prior years of such person shall, upon written request, be open to inspection by or disclosure to such trustee or receiver, but only if the Commissioner of Revenue finds that such receiver or trustee, in his fiduciary capacity, has a material interest which will be affected by information contained therein.

(d) Any return to which this section applies shall, upon written request, also be open to inspection by or disclosure to the attorney-in-fact duly authorized in writing by any of the persons described in paragraph (a) of this subsection to inspect the return or receive the information on his behalf, subject to the conditions provided in paragraph (a).

(e) Return information with respect to any taxpayer may be open to inspection by or disclosure to any person authorized by this subsection to inspect any return of such taxpayer if the

Commissioner of Revenue determines that such disclosure would not seriously impair state tax administration.

(4) The State Auditor and the employees of his office shall have the right to examine only such tax returns as are necessary for auditing the Department of Revenue and auditing benefits administered under the United States Department of Health and Human Services and the United States Department of Agriculture. The State Auditor and the employees of his office may make information related to auditing such benefits available to and may exchange the information with state agencies responsible for the administration of the benefits. Except as otherwise provided in this subsection (4), the same prohibitions against disclosure which apply to the Department of Revenue shall apply to the State Auditor and his employees or former employees.

(5) Officers and employees of the Mississippi Development Authority who execute a confidentiality agreement with the Department of Revenue shall be authorized to discuss and examine information to which this section applies at the offices of the Mississippi Department of Revenue. This disclosure is limited to information necessary to properly administer the programs under the jurisdiction of the Mississippi Development Authority. The Department of Revenue is authorized to disclose to officers and employees of the Mississippi Development Authority who execute a confidentiality agreement the information necessary under the circumstances. The same prohibitions against disclosure which

apply to the Department of Revenue shall apply to the officers or employees of the Mississippi Development Authority.

(6) Information required by the University Research Center to prepare the analyses required by Sections 57-13-101 through 57-13-109 shall be furnished to the University Research Center upon request. It shall be unlawful for any officer or employee of the University Research Center to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any information received by the center from the Department of Revenue other than as may be required by Sections 57-13-101 through 57-13-109 in an analysis prepared pursuant to Sections 57-13-101 through 57-13-109.

(7) Information required by the Mississippi Development Authority to prepare the reports required by Section 57-1-12.2 shall be furnished to the Mississippi Development Authority upon request. It shall be unlawful for any officer or employee of the Mississippi Development Authority to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any information received by the Mississippi Development Authority from the Department of Revenue other than as may be required by Section 57-1-12.2 in a report prepared pursuant to Section 57-1-12.2.

(8) Information necessary to comply with Chapter 13, Title 85, may be furnished to financial institutions. It shall be unlawful for any officer or employee of the financial institution

to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any information received by the financial institution from the Department of Revenue other than as may be authorized by Chapter 13, Title 85.

(9) The Commissioner of Revenue and the Department of Revenue are authorized to discuss with and provide the Attorney General or his designated representative with information related to an offer to compromise and settle any doubtful claim regarding a finally determined tax liability as authorized by Section 1 of this act. It shall be unlawful for the Attorney General or any officer or employee of the Attorney General to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any information received by the Attorney General's office from the Commissioner of Revenue or Department of Revenue other than as may be required by Section 1 of this act.

(* * *10) Nothing in this section shall be construed to prohibit the publication of statistics, so classified as to prevent the identification of particular reports or returns and the items thereof, or the inspection by the Attorney General, or any other attorney representing the state, of the report or return of any taxpayer who shall bring action to set aside the tax thereon, or against whom any action or proceeding has been instituted to recover any tax or penalty imposed.

(* * *11) Nothing in this section shall prohibit the commissioner from making available information necessary to

recover taxes owing the state pursuant to the authority granted in Section 27-75-16.

(* * *12) Reports and returns required under the provisions of this chapter shall be preserved in accordance with approved records control schedules. No records, however, may be destroyed without the approval of the Director of the Department of Archives and History.

(* * *13) The Department of Revenue is authorized to disclose to the Child Support Unit and to the Fraud Investigation Unit of the Department of Human Services without the need for a subpoena or proper judicial order the name, address, social security number, amount of income, source of income, assets and other relevant information, records and tax forms for individuals who are delinquent in the payment of any child support as defined in Section 93-11-101 or who are under investigation for fraud or abuse of any state or federal program or statute as provided in Section 43-1-23.

(* * *14) Nothing in this section shall prohibit the Department of Revenue from exchanging information with the federal government that is necessary to offset income tax refund payment on debts owed to this state or the United States.

(* * *15) Nothing in this section shall prohibit the department from making available information that is necessary to be disclosed for the administration and enforcement of Section 27-7-87.

SECTION 6. Section 27-13-57, Mississippi Code of 1972, is amended as follows:

27-13-57. (1) Except in accordance with the proper judicial order, or as otherwise provided in this section or as authorized in Section 27-4-3, it shall be unlawful for the Commissioner of Revenue or any deputy, agent, clerk or other officer or employee of the Department of Revenue to divulge or make known in any manner any particulars set forth or disclosed in any report or return required under this chapter. When a combined report or return is filed as authorized by Section 27-13-17(5), each report or return which composes the combined return shall be considered separate for the purpose of any examinations authorized in this section and only particulars relating to the specific return or report set forth in the judicial order or as otherwise provided shall be considered lawfully divulged. The term "proper judicial order" as used in this section shall not include subpoenas or subpoenas duces tecum, but shall include only those orders entered by a court of record in this state after furnishing notice and a hearing to the taxpayer and the Department of Revenue. The court shall not authorize the furnishing of such information unless it is satisfied that the information is needed to pursue pending litigation wherein the return itself is in issue, or the judge is satisfied that the need for furnishing the information outweighs the rights of the taxpayer to have such information secreted. Nothing in this section shall be construed to prohibit the

publication of statistics, so classified as to prevent the identification of particular reports or returns and the items thereof, or the inspection by the Attorney General or any other attorney representing the state of the report or return of any taxpayer who shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding has been instituted to recover any tax or penalty imposed by this chapter. Reports and returns shall be preserved in accordance with approved records control schedules. No records, however, may be destroyed without the approval of the Director of the Department of Archives and History.

However, information relating to possible tax liability of other states or the federal government may be furnished to the revenue department of those states or the federal government when those states or the federal government grant a like comity to Mississippi.

(2) The State Auditor and the employees of his office shall have the right to examine only such tax returns as are necessary for auditing the Department of Revenue, and the same prohibitions against disclosure which apply to the Department of Revenue shall apply to the State Auditor and his office.

(3) Officers and employees of the Mississippi Development Authority who execute a confidentiality agreement with the Department of Revenue shall be authorized to discuss and examine information to which this section applies at the offices of the

Mississippi Department of Revenue. This disclosure is limited to information necessary to properly administer the programs under the jurisdiction of the Mississippi Development Authority. The Department of Revenue is authorized to disclose to officers and employees of the Mississippi Development Authority who execute a confidentiality agreement the information necessary under the circumstances. The same prohibitions against disclosure which apply to the Department of Revenue shall apply to the officers or employees of the Mississippi Development Authority.

(4) Information required by the University Research Center to prepare the analyses required by Sections 57-13-101 through 57-13-109 shall be furnished to the University Research Center upon request. It shall be unlawful for any officer or employee of the University Research Center to divulge or make known in any manner any particulars set forth or disclosed in any information received by the center from the Department of Revenue other than as may be required by Sections 57-13-101 through 57-13-109 in an analysis prepared pursuant to Sections 57-13-101 through 57-13-109.

(5) Information required by the Mississippi Development Authority to prepare the reports required by Section 57-1-12.2 shall be furnished to the Mississippi Development Authority upon request. It shall be unlawful for any officer or employee of the Mississippi Development Authority to divulge or make known in any manner the amount of income or any particulars set forth or

disclosed in any information received by the Mississippi Development Authority from the Department of Revenue other than as may be required by Section 57-1-12.2 in a report prepared pursuant to Section 57-1-12.2.

(6) Information necessary to comply with Chapter 13, Title 85 may be furnished to financial institutions. It shall be unlawful for any officer or employee of the financial institution to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any information received by the financial institution from the Department of Revenue other than as may be authorized by Chapter 13, Title 85.

(7) The Commissioner of Revenue and the Department of Revenue are authorized to discuss with and provide the Attorney General or his designated representative with information related to an offer to compromise and settle any doubtful claim regarding a finally determined tax liability as authorized by Section 1 of this act. It shall be unlawful for the Attorney General or any officer or employee of the Attorney General to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any information received by the Attorney General's office from the Commissioner of Revenue or Department of Revenue other than as may be required by Section 1 of this act.

(* * *8) Nothing in this section shall prohibit the Commissioner of Revenue from making available information

necessary to recover taxes owing the state pursuant to the authority granted in Section 27-75-16, Mississippi Code of 1972.

(* * *9) Any person violating the provisions of this section shall be guilty of a misdemeanor and, on conviction, shall be punished by a fine of not exceeding Five Hundred Dollars ($500.00), or by imprisonment not exceeding one (1) year, or both, at the discretion of the court, and if the offender be an officer or employee of the state he shall be dismissed from office and be incapable of holding any public office in this state for a period of five (5) years thereafter.

SECTION 7. Section 27-65-81, Mississippi Code of 1972, is amended as follows:

27-65-81. (1) Applications, returns and information contained therein filed or furnished under this chapter shall be confidential, and except in accordance with proper judicial order, or as otherwise authorized by this section or as authorized by Section 27-4-3, it shall be unlawful for the Commissioner of Revenue or any deputy, agent, clerk or other officer or employee of the Department of Revenue or Department of Information Technology Services, or any former employee thereof, to divulge or make known in any manner the amount of income or any particulars set forth or disclosed on any application, report or return required.

The term "proper judicial order" as used in this section shall not include subpoenas or subpoenas duces tecum but shall

include only those orders entered by a court of record in this state after furnishing notice and a hearing to the taxpayer and the Department of Revenue. The court shall not authorize the furnishing of such information unless it is satisfied that the information is needed to pursue pending litigation wherein the return itself is in issue, or the judge is satisfied that the need for furnishing the information outweighs the rights of the taxpayer to have such information secreted.

(2) Such information contained on the application, returns or reports may be furnished to:

(a) Members and employees of the Department of Revenue and the income tax department thereof, for the purpose of checking, comparing and correcting returns;

(b) The Attorney General, or any other attorney representing the state in any action in respect to the amount of tax under the provisions of this chapter;

(c) The revenue department of other states or the federal government when said states or federal government grants a like comity to Mississippi.

(3) The State Auditor and the employees of his office shall have the right to examine only such tax returns as are necessary for auditing the Department of Revenue, and the same prohibitions against disclosure which apply to the Department of Revenue shall apply to the State Auditor and his office.

(4) Officers and employees of the Mississippi Development Authority who execute a confidentiality agreement with the Department of Revenue shall be authorized to discuss and examine information to which this section applies at the offices of the Mississippi Department of Revenue. This disclosure is limited to information necessary to properly administer the programs under the jurisdiction of the Mississippi Development Authority. The Department of Revenue is authorized to disclose to officers and employees of the Mississippi Development Authority who execute a confidentiality agreement the information necessary under the circumstances. The same prohibitions against disclosure which apply to the Department of Revenue shall apply to the officers or employees of the Mississippi Development Authority.

(5) Information required by the University Research Center to prepare the analyses required by Sections 57-13-101 through 57-13-109 shall be furnished to the University Research Center upon request. It shall be unlawful for any officer or employee of the University Research Center to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any information received by the center from the Department of Revenue other than as may be required by Sections 57-13-101 through 57-13-109 in an analysis prepared pursuant to Sections 57-13-101 through 57-13-109.

(6) Information required by the Mississippi Development Authority to prepare the reports required by Section 57-1-12.2

shall be furnished to the Mississippi Development Authority upon request. It shall be unlawful for any officer or employee of the Mississippi Development Authority to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any information received by the Mississippi Development Authority from the Department of Revenue other than as may be required by Section 57-1-12.2 in a report prepared pursuant to Section 57-1-12.2.

(7) Information necessary to comply with Chapter 13, Title 85, may be furnished to financial institutions. It shall be unlawful for any officer or employee of the financial institution to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any information received by the financial institution from the Department of Revenue other than as may be authorized by Chapter 13, Title 85.

(8) The Commissioner of Revenue and the Department of Revenue are authorized to discuss with and provide the Attorney General or his designated representative with information related to an offer to compromise and settle any doubtful claim regarding a finally determined tax liability as authorized by Section 1 of this act. It shall be unlawful for the Attorney General or any officer or employee of the Attorney General to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any information received by the Attorney

General's office from the Commissioner of Revenue or Department of Revenue other than as may be required by Section 1 of this act.

(* * *9) Nothing in this section shall prohibit the Commissioner of Revenue from making available information necessary to recover taxes owing the state pursuant to the authority granted in Section 27-75-16.

(* * *10) The Department of Revenue is authorized to disclose to the Child Support Unit and to the Fraud Investigation Unit of the Department of Human Services without the need for a subpoena or proper judicial order the name, address, social security number, amount of income, amount of sales tax, source of income, assets and other relevant information, records and tax forms for individuals who are delinquent in the payment of any child support as defined in Section 93-11-101 or who are under investigation for fraud or abuse of any state or federal program or statute as provided in Section 43-1-23.

SECTION 8. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1135

Description: Alcoholic beverages; create delivery service permit.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: ** See Text

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	01/27	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/16	(S) Referred To Finance
6	03/02	(S) Title Suff Do Pass As Amended
7	03/09	(S) Amended
8	03/09	(S) Passed As Amended {Vote}
9	03/10	(S) Returned For Concurrence
10	03/17	(H) Decline to Concur/Invite Conf
11	03/23	(H) Conferees Named Lamar,Zuber,Powell
12	03/24	(S) Conferees Named Harkins,Carter,Thompson
13	03/27	(S) Conference Report Filed
14	03/27	(H) Conference Report Filed
15	03/28	(H) Conference Report Adopted {Vote}
16	03/28	(S) Conference Report Adopted {Vote}
17	03/30	(H) Enrolled Bill Signed
18	03/30	(S) Enrolled Bill Signed
19	04/14	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1135

Conference Reports:

| Conference Report

Code Section: A 067-0001-0051, A 067-0001-0037, A 067-0001-0083, A 067-0003-0005, A 067-0003-0025, A 027-0071-0005

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Lamar
Additional Authors: Felsher, Yates

Title: AN ACT TO CREATE A DELIVERY SERVICE PERMIT TO ALLOW THE HOLDER TO CONTRACT FOR THE DELIVERY OF ALCOHOLIC BEVERAGES, BEER, LIGHT WINE OR LIGHT SPIRIT PRODUCT FROM A LICENSED RETAILER TO A CONSUMER; TO ALLOW A LICENSED RETAILER TO DELIVER ALCOHOLIC BEVERAGES, BEER, LIGHT WINE OR LIGHT SPIRIT PRODUCT TO A CONSUMER IF THE RETAILER ALSO HOLDS A DELIVERY SERVICE PERMIT; TO SPECIFY CONDITIONS OF DELIVERY PURSUANT TO THE PERMIT; TO SET OUT APPLICATION REQUIREMENTS FOR THE PERMIT; TO SPECIFY THE ENFORCEMENT POWERS OF THE ALCOHOLIC BEVERAGE CONTROL DIVISION OF THE DEPARTMENT OF REVENUE; TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO INCLUDE THE DELIVERY SERVICE PERMIT AMONG THE ALCOHOL PERMITS ISSUED BY THE DEPARTMENT OF REVENUE; TO PROVIDE THAT THE HOLDER OF A PACKAGE RETAILER'S PERMIT OR AN ON-PREMISES RETAILER'S PERMIT UNDER SECTION 67-1-51 OR OF A BEER, LIGHT WINE AND LIGHT SPIRIT PRODUCT RETAILER'S PERMIT UNDER SECTION 67-3-19 IS AUTHORIZED TO APPLY FOR A DELIVERY SERVICE PERMIT AS A PRIVILEGE SEPARATE FROM ITS EXISTING RETAIL PERMIT; TO AMEND SECTIONS 67-1-37, 67-1-83, 67-3-5, 67-3-25 AND 27-71-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE ABOVE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Lamar, Felsher, Yates To: Ways and Means

HOUSE BILL NO. 1135
(As Sent to Governor)

AN ACT TO CREATE A DELIVERY SERVICE PERMIT TO ALLOW THE HOLDER TO CONTRACT FOR THE DELIVERY OF ALCOHOLIC BEVERAGES, BEER, LIGHT WINE OR LIGHT SPIRIT PRODUCT FROM A LICENSED RETAILER TO A CONSUMER; TO ALLOW A LICENSED RETAILER TO DELIVER ALCOHOLIC BEVERAGES, BEER, LIGHT WINE OR LIGHT SPIRIT PRODUCT TO A CONSUMER IF THE RETAILER ALSO HOLDS A DELIVERY SERVICE PERMIT; TO SPECIFY CONDITIONS OF DELIVERY PURSUANT TO THE PERMIT; TO SET OUT APPLICATION REQUIREMENTS FOR THE PERMIT; TO SPECIFY THE ENFORCEMENT POWERS OF THE ALCOHOLIC BEVERAGE CONTROL DIVISION OF THE DEPARTMENT OF REVENUE; TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO INCLUDE THE DELIVERY SERVICE PERMIT AMONG THE ALCOHOL PERMITS ISSUED BY THE DEPARTMENT OF REVENUE; TO PROVIDE THAT THE HOLDER OF A PACKAGE RETAILER'S PERMIT OR AN ON-PREMISES RETAILER'S PERMIT UNDER SECTION 67-1-51 OR OF A BEER, LIGHT WINE AND LIGHT SPIRIT PRODUCT RETAILER'S PERMIT UNDER SECTION 67-3-19 IS AUTHORIZED TO APPLY FOR A DELIVERY SERVICE PERMIT AS A PRIVILEGE SEPARATE FROM ITS EXISTING RETAIL PERMIT; TO AMEND SECTIONS 67-1-37, 67-1-83, 67-3-5, 67-3-25 AND 27-71-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE ABOVE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The holder of a delivery service permit under Section 67-1-51:

(a) May contract with the holder of a package retailer's permit or an on-premises retailer's permit under Section 67-1-51 or the holder of a beer, light wine and light spirit product retail permit under Section 67-3-19 for the purpose

of intrastate delivery of alcoholic beverages or beer, light wine and light spirit product, as authorized to be sold under the respective permits;

(b) May deliver alcoholic beverages or beer, light wine and light spirit product without a delivery contract, if the permittee holds a package retailer's permit or an on-premises retailer's permit under Section 67-1-51 or a beer, light wine and light spirit product retail permit under Section 67-3-19, respectively;

(c) May use its own employees or independent contractors who are at least twenty-one (21) years of age to deliver such alcoholic beverages, beer, light wine or light spirit product under this section, provided all delivery agents are trained and certified consistent with the training program submitted to the division as required by subsection (2)(d) of this section. If independent contractors are used, the delivery service permittee must enter into a contract with the retailer as required by subsection (2)(c) of this section;

(d) May facilitate orders by telephone, Internet or other electronic means for the sale and delivery of alcoholic beverages, beer, light wine or light spirit product under this section. The full amount of each order must be handled in a manner that gives the retail permittee control over the ultimate receipt of payment from the consumer. The retail permittee shall

remain responsible for the proper remittance of all applicable taxes on the sale of the product;

(e) May deliver only sealed containers of alcoholic beverages, beer, light wine or light spirit product to an individual in Mississippi;

(f) Shall obtain from the customer a confirmation that he or she is at least twenty-one (21) years of age at the time the order is placed;

(g) Shall place a stamp, print or label on the outside of the sealed package to indicate that the sealed package contains alcoholic beverages, beer, light wine or light spirit product;

(h) Shall require the recipient, at the time of delivery, to provide valid photo identification verifying he or she is at least twenty-one (21) years of age and to sign for the delivery;

(i) Shall possess identification scanning software technology or a state-of-the-art alternative at the point of delivery to verify the recipient is at least twenty-one (21) years of age and to collect the recipient's name and date of birth. Records relating to this verification shall be maintained for at least ninety (90) days and shall be subject to review by the division;

(j) Shall return all alcoholic beverages, beer, light wine or light spirit product to the retailer if the recipient is under the age of twenty-one (21) years, appears intoxicated, fails

to provide proof of identification, fails or refuses to sign for delivery, fails to complete the identification verification process or declines to accept delivery, or if any circumstances in the delivery environment indicate illegal conduct, overconsumption of alcohol, or an otherwise unsafe environment for the consumption of alcohol;

(k) May not deliver any alcoholic beverage, beer, light wine or light spirit product to any person located within a jurisdiction that is dry for that product, as provided by the division's wet-dry map;

(l) May not deliver any alcoholic beverage, beer, light wine or light spirit product in a jurisdiction during times prohibited for lawful sale in that jurisdiction;

(m) May not deliver any alcoholic beverage, beer, light wine or light spirit product more than thirty (30) miles from the retailer's licensed premises;

(n) Shall permit the division to perform an audit of the licensee's records upon request and with sufficient notification; and

(o) Shall be deemed to have consented to the jurisdiction of the division or any law enforcement agency and the Mississippi courts concerning enforcement of this section and any related laws or rules.

(2) In order to receive a delivery service permit, an applicant shall:

(a) File an application with the division;

(b) Pay the privilege license tax of Five Hundred Dollars ($500.00) as provided in Section 27-71-5;

(c) Provide to the division a sample contract that the applicant intends to enter into with a retailer for the delivery of alcoholic beverages, beer, light wine or light spirit product, unless the applicant is the retailer;

(d) Submit to the division an outline of an internal or external training and certification program for delivery service personnel that addresses topics such as identifying underage persons, intoxicated persons, and fake or altered identification;

(e) Provide an attestation that the applicant is at least twenty-one (21) years of age and has not been convicted of a felony in any state or federal courts;

(f) Shall provide proof of a general liability insurance policy in an amount not less than One Million Dollars ($1,000,000.00) per occurrence; and

(g) Shall be properly registered to conduct business in Mississippi.

(3) Nothing in this section shall be construed to require a technology services company to obtain a delivery service permit if the company does not employ or contract with delivery agents but merely provides software or a digital network application that connects consumers and licensed retailers for the delivery of alcoholic beverages from the licensed retailer. However, the act

of connecting consumers to licensed retailers shall serve to grant jurisdiction to the State of Mississippi.

(4) The division may enforce the requirements of this section by the same administrative proceedings that apply to other alcoholic beverage licenses or permits, including, without limitation, any disciplinary action applicable to the package retailer's permittee, on-premises retailer's permittee, retail permittee for beer, light wine or light spirit product, or delivery service permittee resulting from any unlawful sale to a minor.

(5) The division may enforce the requirements of this section against the package retailer's permittee, on-premises retailer's permittee, retail permittee for beer, light wine or light spirit product, or delivery service permittee, and any employee or independent contractor of such permittee. If a package retailer permittee, an on-premises retailer's permittee, or a retail permittee for beer, light wine or light spirit product is also a delivery permittee, a violation of alcohol law by its employee or independent contractor during delivery will subject both the retailer permit and the delivery service permit to disciplinary action for the violation. Delivery to a minor shall be treated as furnishing to a minor and shall result in any applicable disciplinary action.

(6) Nothing in this section shall be construed to limit or otherwise diminish the ability of the division to enforce the

provisions of Chapters 1 and 3, Title 67, Mississippi Code of 1972, with respect to the liability of any package retailer's permittee, on-premises retailer's permittee, retail permittee for beer, light wine or light spirit product, or delivery service permittee engaging in delivery activity authorized by this section.

(7) Nothing in this section shall be construed to authorize the direct shipment of alcoholic beverages, light wine, beer or light spirit product from any manufacturer or distributor holding a permit under this chapter, or under Title 67, Chapter 3, Mississippi Code of 1972, to consumers in this state.

SECTION 2. Section 67-1-51, Mississippi Code of 1972, as amended by House Bill No. 1288, 2021 Regular Session, and Senate Bill No. 2606, 2021 Regular Session, is amended as follows:

67-1-51. (1) Permits which may be issued by the department shall be as follows:

(a) **Manufacturer's permit.** A manufacturer's permit shall permit the manufacture, importation in bulk, bottling and storage of alcoholic liquor and its distribution and sale to manufacturers holding permits under this chapter in this state and to persons outside the state who are authorized by law to purchase the same, and to sell as provided by this chapter.

Manufacturer's permits shall be of the following classes:

Class 1. Distiller's and/or rectifier's permit, which shall authorize the holder thereof to operate a distillery for the

production of distilled spirits by distillation or redistillation and/or to operate a rectifying plant for the purifying, refining, mixing, blending, flavoring or reducing in proof of distilled spirits and alcohol.

Class 2. Wine manufacturer's permit, which shall authorize the holder thereof to manufacture, import in bulk, bottle and store wine or vinous liquor.

Class 3. Native wine producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native wines.

Class 4. Native spirit producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native spirits.

(b) **Package retailer's permit.** Except as otherwise provided in this paragraph and Section 67-1-52, a package retailer's permit shall authorize the holder thereof to operate a store exclusively for the sale at retail in original sealed and unopened packages of alcoholic beverages, including native wines and native spirits, not to be consumed on the premises where sold. Alcoholic beverages shall not be sold by any retailer in any package or container containing less than fifty (50) milliliters by liquid measure. A package retailer's permit, with prior approval from the department, shall authorize the holder thereof to sample new product furnished by a manufacturer's representative or his employees at the permitted place of business so long as the

sampling otherwise complies with this chapter and applicable department regulations. Such samples may not be provided to customers at the permitted place of business. In addition to the sale at retail of packages of alcoholic beverages, the holder of a package retailer's permit is authorized to sell at retail corkscrews, wine glasses, soft drinks, ice, juices, mixers and other beverages commonly used to mix with alcoholic beverages. Nonalcoholic beverages sold by the holder of a package retailer's permit shall not be consumed on the premises where sold.

(c) **On-premises retailer's permit.** Except as otherwise provided in subsection (5) of this section, an on-premises retailer's permit shall authorize the sale of alcoholic beverages, including native wines and native spirits, for consumption on the licensed premises only; however, a patron of the permit holder may remove one (1) bottle of wine from the licensed premises if: (i) the patron consumed a portion of the bottle of wine in the course of consuming a meal purchased on the licensed premises; (ii) the permit holder securely reseals the bottle; (iii) the bottle is placed in a bag that is secured in a manner so that it will be visibly apparent if the bag is opened; and (iv) a dated receipt for the wine and the meal is available. Additionally, as part of a carryout order, a permit holder may sell one (1) bottle of wine to be removed from the licensed premises for every two (2) entrees ordered. Such a permit shall be issued only to qualified hotels, restaurants and clubs, and to common carriers with adequate

facilities for serving passengers. In resort areas, whether inside or outside of a municipality, the department, in its discretion, may issue on-premises retailer's permits to such establishments as it deems proper. An on-premises retailer's permit when issued to a common carrier shall authorize the sale and serving of alcoholic beverages aboard any licensed vehicle while moving through any county of the state; however, the sale of such alcoholic beverages shall not be permitted while such vehicle is stopped in a county that has not legalized such sales. If an on-premises retailer's permit is applied for by a common carrier operating solely in the water, such common carrier must, along with all other qualifications for a permit, (i) be certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers and (ii) operate primarily in the waters within the State of Mississippi which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi and/or on the Mississippi River or navigable waters within any county bordering on the Mississippi River.

(d) **Solicitor's permit.** A solicitor's permit shall authorize the holder thereof to act as salesman for a manufacturer or wholesaler holding a proper permit, to solicit on behalf of his employer orders for alcoholic beverages, and to otherwise promote his employer's products in a legitimate manner. Such a permit shall authorize the representation of and employment by one (1)

principal only. However, the permittee may also, in the discretion of the department, be issued additional permits to represent other principals. No such permittee shall buy or sell alcoholic beverages for his own account, and no such beverage shall be brought into this state in pursuance of the exercise of such permit otherwise than through a permit issued to a wholesaler or manufacturer in the state.

(e) **Native wine retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native wine retailer's permit shall be issued only to a holder of a Class 3 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native wines to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native winery. When selling to consumers for on-premises consumption, a holder of a native wine retailer's permit may add to the native wine alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%) of the mixed beverage. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native wine retailer is located.

(f) **Temporary retailer's permit.** Except as otherwise provided in subsection (5) of this section, a temporary retailer's permit shall permit the purchase and resale of alcoholic

beverages, including native wines and native spirits, during legal hours on the premises described in the temporary permit only.

Temporary retailer's permits shall be of the following classes:

Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the sale of alcoholic beverages, including native wine and native spirit, for consumption on the premises described in the temporary permit only. Class 1 permits may be issued only to applicants demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days prior to the proposed date or such other time as the department may determine, that they meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all alcoholic beverages from package retailers located in the county in which the temporary permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2. A temporary permit, not to exceed seventy (70) days, may be issued to prospective permittees seeking to transfer a permit authorized in paragraph (c) of this subsection. A Class 2 permit may be issued only to applicants demonstrating to the department, by a statement signed under the penalty of perjury, that they meet the qualifications of Sections 67-1-5(l), (m), (n), (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and 67-1-59. The department, following a preliminary review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2 temporary permittees must purchase their alcoholic beverages directly from the department or, with approval of the department, purchase the remaining stock of the previous permittee. If the proposed applicant of a Class 1 or Class 2 temporary permit falsifies information contained in the application or statement, the applicant shall never again be eligible for a retail alcohol beverage permit and shall be subject to prosecution for perjury.

Class 3. A temporary one-day permit may be issued to a retail establishment authorizing the complimentary distribution of wine, including native wine, to patrons of the retail establishment at an open house or promotional event, for consumption only on the premises described in the temporary permit. A Class 3 permit may be issued only to an applicant demonstrating to the department, by a statement signed under

penalty of perjury submitted ten (10) days before the proposed date or such other time as the department may determine, that it meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. A Class 3 permit holder shall obtain all alcoholic beverages from the holder(s) of a package retailer's permit located in the county in which the temporary permit is issued. Wine remaining in stock upon expiration of the temporary permit may be returned by the Class 3 temporary permit holder to the package retailer for a refund of the purchase price, with consent of the package retailer, or may be kept by the Class 3 temporary permit holder exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. No retailer may receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to a retail establishment that either holds a merchant permit issued under paragraph (l) of this subsection, or holds a permit issued under Chapter 3, Title 67, Mississippi Code of 1972, authorizing the holder to engage in the business of a retailer of light wine or beer.

(g) **Caterer's permit.** A caterer's permit shall permit the purchase of alcoholic beverages by a person engaging in

business as a caterer and the resale of alcoholic beverages by such person in conjunction with such catering business. No person shall qualify as a caterer unless forty percent (40%) or more of the revenue derived from such catering business shall be from the serving of prepared food and not from the sale of alcoholic beverages and unless such person has obtained a permit for such business from the Department of Health. A caterer's permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in business as a caterer; however, the holder of an on-premises retailer's permit may hold a caterer's permit. When the holder of an on-premises retailer's permit or an affiliated entity of the holder also holds a caterer's permit, the caterer's permit shall not authorize the service of alcoholic beverages on a consistent, recurring basis at a separate, fixed location owned or operated by the caterer, on-premises retailer or affiliated entity and an on-premises retailer's permit shall be required for the separate location. All sales of alcoholic beverages by holders of a caterer's permit shall be made at the location being catered by the caterer, and, except as otherwise provided in subsection (5) of this section, such sales may be made only for consumption at the catered location. The location being catered may be anywhere within a county or judicial district that has voted to come out from under the dry laws or in which the sale and distribution of alcoholic beverages is otherwise authorized by law. Such sales shall be made pursuant to any other conditions

and restrictions which apply to sales made by on-premises retail permittees. The holder of a caterer's permit or his employees shall remain at the catered location as long as alcoholic beverages are being sold pursuant to the permit issued under this paragraph (g), and the permittee shall have at the location the identification card issued by the Alcoholic Beverage Control Division of the department. No unsold alcoholic beverages may be left at the catered location by the permittee upon the conclusion of his business at that location. Appropriate law enforcement officers and Alcoholic Beverage Control Division personnel may enter a catered location on private property in order to enforce laws governing the sale or serving of alcoholic beverages.

(h) **Research permit.** A research permit shall authorize the holder thereof to operate a research facility for the professional research of alcoholic beverages. Such permit shall authorize the holder of the permit to import and purchase limited amounts of alcoholic beverages from the department or from importers, wineries and distillers of alcoholic beverages for professional research.

(i) **Alcohol processing permit.** An alcohol processing permit shall authorize the holder thereof to purchase, transport and possess alcoholic beverages for the exclusive use in cooking, processing or manufacturing products which contain alcoholic beverages as an integral ingredient. An alcohol processing permit shall not authorize the sale of alcoholic beverages on the

premises of the person engaging in the business of cooking, processing or manufacturing products which contain alcoholic beverages. The amounts of alcoholic beverages allowed under an alcohol processing permit shall be set by the department.

(j) **Hospitality cart permit.** A hospitality cart permit shall authorize the sale of alcoholic beverages from a mobile cart on a golf course that is the holder of an on-premises retailer's permit. The alcoholic beverages sold from the cart must be consumed within the boundaries of the golf course.

(k) **Special service permit.** A special service permit shall authorize the holder to sell commercially sealed alcoholic beverages to the operator of a commercial or private aircraft for en route consumption only by passengers. A special service permit shall be issued only to a fixed-base operator who contracts with an airport facility to provide fueling and other associated services to commercial and private aircraft.

(l) **Merchant permit.** Except as otherwise provided in subsection (5) of this section, a merchant permit shall be issued only to the owner of a spa facility, an art studio or gallery, or a cooking school, and shall authorize the holder to serve complimentary by the glass wine only, including native wine, at the holder's spa facility, art studio or gallery, or cooking school. A merchant permit holder shall obtain all wine from the holder of a package retailer's permit.

(m) **Temporary alcoholic beverages charitable auction permit.** A temporary permit, not to exceed five (5) days, may be issued to a qualifying charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code of 1986. The permit shall authorize the holder to sell alcoholic beverages for the limited purpose of raising funds for the organization during a live or silent auction that is conducted by the organization and that meets the following requirements: (i) the auction is conducted in an area of the state where the sale of alcoholic beverages is authorized; (ii) if the auction is conducted on the premises of an on-premises retailer's permit holder, then the alcoholic beverages to be auctioned must be stored separately from the alcoholic beverages sold, stored or served on the premises, must be removed from the premises immediately following the auction, and may not be consumed on the premises; (iii) the permit holder may not conduct more than two (2) auctions during a calendar year; (iv) the permit holder may not pay a commission or promotional fee to any person to arrange or conduct the auction.

(n) **Event venue retailer's permit.** An event venue retailer's permit shall authorize the holder thereof to purchase and resell alcoholic beverages, including native wines and native spirits, for consumption on the premises during legal hours during events held on the licensed premises if food is being served at the event by a caterer who is not affiliated with or related to

the permittee. The caterer must serve at least three (3) entrees. The permit may only be issued for venues that can accommodate two hundred (200) persons or more. The number of persons a venue may accommodate shall be determined by the local fire department and such determination shall be provided in writing and submitted along with all other documents required to be provided for an on-premises retailer's permit. The permittee must derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales for live entertainment in the building. "Event-related fees" do not include alcohol, beer or light wine sales or any fee which may be construed to cover the cost of alcohol, beer or light wine. This determination shall be made on a per event basis. An event may not last longer than two (2) consecutive days per week.

(o) **Temporary theatre permit.** A temporary theatre permit, not to exceed five (5) days, may be issued to a charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code and owns or operates a theatre facility that features plays and other theatrical performances and productions. Except as otherwise provided in subsection (5) of this section, the permit shall authorize the holder to sell alcoholic beverages, including native wines and native spirits, to patrons of the theatre during performances and productions at the theatre facility for consumption during such performances and productions on the premises of the facility

described in the permit. A temporary theatre permit holder shall obtain all alcoholic beverages from package retailers located in the county in which the permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary theatre permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages.

(p) **Charter ship operator's permit.** Subject to the provisions of this paragraph (p), a charter ship operator's permit shall authorize the holder thereof and its employees to serve, monitor, store and otherwise control the serving and availability of alcoholic beverages to customers of the permit holder during private charters under contract provided by the permit holder. A charter ship operator's permit shall authorize such action by the permit holder and its employees only as to alcoholic beverages brought onto the permit holder's ship by customers of the permit holder as part of such a private charter. All such alcoholic beverages must be removed from the charter ship at the conclusion of each private charter. A charter ship operator's permit shall not authorize the permit holder to sell, charge for or otherwise supply alcoholic beverages to customers, except as authorized in this paragraph (p). For the purposes of this paragraph (p), "charter ship operator" means a common carrier that (i) is

certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers, (ii) operates only in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, and (iii) provides charters under contract for tours and trips in such waters.

(q) **Distillery retailer's permit.** The holder of a Class 1 manufacturer's permit may obtain a distillery retailer's permit. A distillery retailer's permit shall authorize the holder thereof to sell at retail alcoholic beverages by the sealed and unopened bottle from a retail location at the distillery for off-premises consumption. The holder may only sell product manufactured by the manufacturer at the distillery described in the permit. The holder shall not sell at retail more than ten percent (10%) of the alcoholic beverages produced annually at its distillery. The holder shall not make retail sales of more than two and twenty-five one-hundredths (2.25) liters, in the aggregate, of the alcoholic beverages produced at its distillery to any one (1) individual for consumption off the premises of the distillery within a twenty-four-hour period. The hours of sale shall be the same as those hours for package retailers under this chapter. The holder of a distillery retailer's permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution

warehouse; however, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder shall pay to the department all taxes, fees and surcharges on the alcoholic beverages that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. In addition to alcoholic beverages, the holder of a distillery retailer's permit may sell at retail promotional products from the same retail location, including shirts, hats, glasses, and other promotional products customarily sold by alcoholic beverage manufacturers.

(r) **Festival wine permit.** Any wine manufacturer or native wine producer permitted by Mississippi or any other state is eligible to obtain a Festival Wine Permit. This permit authorizes the entity to transport product manufactured by it to festivals held within the State of Mississippi and sell sealed, unopened bottles to festival participants. The holder of this permit may provide samples at no charge to participants. "Festival" means any event at which three (3) or more vendors are present at a location for the sale or distribution of goods. The holder of a Festival Wine Permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse. However, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder of this permit shall pay to the department all taxes, fees and surcharges

on the alcoholic beverages sold at such festivals that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. Additionally, the entity shall file all applicable reports and returns as prescribed by the department. This permit is issued per festival and provides authority to sell for two (2) consecutive days during the hours authorized for on-premises permittees' sales in that county or city. The holder of the permit shall be required to maintain all requirements set by Local Option Law for the service and sale of alcoholic beverages. This permit may be issued to entities participating in festivals at which a Class 1 temporary permit is in effect.

This paragraph (r) shall stand repealed from and after July 1, 2023.

(s) **Charter vessel operator's permit.** Subject to the provisions of this paragraph (s), a charter vessel operator's permit shall authorize the holder thereof and its employees to sell and serve alcoholic beverages to passengers of the permit holder during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder. The permit shall authorize the holder to only sell alcoholic beverages, including native wines, to passengers of the charter vessel operator during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder aboard the charter vessel operator for consumption during such tours and cruises on the

premises of the charter vessel operator described in the permit. For the purposes of this paragraph (s), "charter vessel operator" means a common carrier that (i) is certified to carry at least forty-nine (49) passengers, (ii) operates only in the waters within the State of Mississippi, which lie south of Interstate-10 in the three (3) most southern counties in the State of Mississippi, and lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, extending not further than one (1) mile south of such counties, and (iii) provides vessel services for tours and cruises in such waters as provided in this paragraph (s).

(t) **Native spirit retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native spirit retailer's permit shall be issued only to a holder of a Class 4 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native spirits to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native distillery. When selling to consumers for on-premises consumption, a holder of a native spirit retailer's permit may add to the native spirit alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%) of the mixed beverage. Hours of sale shall be the

same as those authorized for on-premises permittees in the city or county in which the native spirit retailer is located.

(u) **Delivery service permit.** Any individual, limited liability company, corporation or partnership registered to do business in this state is eligible to obtain a delivery service permit. Subject to the provisions of Section 1 of this act, this permit authorizes the permittee, or its employee or an independent contractor acting on its behalf, to deliver alcoholic beverages, beer, light wine and light spirit product from a licensed retailer to a person in this state who is at least twenty-one (21) years of age for the individual's use and not for resale. This permit does not authorize the delivery of alcoholic beverages, beer, light wine or light spirit product to the premises of a location with a permit for the manufacture, distribution or retail sale of alcoholic beverages, beer, light wine or light spirit product. The holder of a package retailer's permit or an on-premises retailer's permit under Section 67-1-51 or of a beer, light wine and light spirit product permit under Section 67-3-19 is authorized to apply for a delivery service permit as a privilege separate from its existing retail permit.

(2) Except as otherwise provided in subsection (4) of this section, retail permittees may hold more than one (1) retail permit, at the discretion of the department.

(3) Except as otherwise provided in this subsection, no authority shall be granted to any person to manufacture, sell or

store for sale any intoxicating liquor as specified in this chapter within four hundred (400) feet of any church, school, kindergarten or funeral home. However, within an area zoned commercial or business, such minimum distance shall be not less than one hundred (100) feet.

A church or funeral home may waive the distance restrictions imposed in this subsection in favor of allowing issuance by the department of a permit, pursuant to subsection (1) of this section, to authorize activity relating to the manufacturing, sale or storage of alcoholic beverages which would otherwise be prohibited under the minimum distance criterion. Such waiver shall be in written form from the owner, the governing body, or the appropriate officer of the church or funeral home having the authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.

The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a bed and breakfast inn listed in the National Register of Historic Places or to the sale or storage of alcoholic beverages in a historic district that is listed in the National Register of Historic Places, is a qualified resort area and is located in a municipality having a population greater than one hundred thousand (100,000) according to the latest federal decennial census.

(4) No person, either individually or as a member of a firm, partnership, limited liability company or association, or as a

stockholder, officer or director in a corporation, shall own or control any interest in more than one (1) package retailer's permit, nor shall such person's spouse, if living in the same household of such person, any relative of such person, if living in the same household of such person, or any other person living in the same household with such person own any interest in any other package retailer's permit.

(5) (a) In addition to any other authority granted under this section, the holder of a permit issued under subsection (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may sell or otherwise provide alcoholic beverages and/or wine to a patron of the permit holder in the manner authorized in the permit and the patron may remove an open glass, cup or other container of the alcoholic beverage and/or wine from the licensed premises and may possess and consume the alcoholic beverage or wine outside of the licensed premises if: (i) the licensed premises is located within a leisure and recreation district created under Section 67-1-101 and (ii) the patron remains within the boundaries of the leisure and recreation district while in possession of the alcoholic beverage or wine.

(b) Nothing in this subsection shall be construed to allow a person to bring any alcoholic beverages into a permitted premises except to the extent otherwise authorized by this chapter.

SECTION 3. Section 67-1-37, Mississippi Code of 1972, as amended by Senate Bill No. 2606, 2021 Regular Session, is amended as follows:

67-1-37. The Department of Revenue, under its duties and powers with respect to the Alcoholic Beverage Control Division therein, shall have the following powers, functions and duties:

(a) To issue or refuse to issue any permit provided for by this chapter, or to extend the permit or remit in whole or any part of the permit monies when the permit cannot be used due to a natural disaster or act of God.

(b) To revoke, suspend or cancel, for violation of or noncompliance with the provisions of this chapter, or the law governing the production and sale of native wines or native spirits, or any lawful rules and regulations of the department issued hereunder, or for other sufficient cause, any permit issued by it under the provisions of this chapter. The department shall also be authorized to suspend the permit of any permit holder for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a permit for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a permit suspended for that purpose, shall be governed by Section 93-11-157 or Section 93-11-163, as the case may be. If there is any conflict between

any provision of Section 93-11-157 or Section 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or Section 93-11-163, as the case may be, shall control.

(c) To prescribe forms of permits and applications for permits and of all reports which it deems necessary in administering this chapter.

(d) To fix standards, not in conflict with those prescribed by any law of this state or of the United States, to secure the use of proper ingredients and methods of manufacture of alcoholic beverages.

(e) To issue rules regulating the advertising of alcoholic beverages in the state in any class of media and permitting advertising of the retail price of alcoholic beverages.

(f) To issue reasonable rules and regulations, not inconsistent with the federal laws or regulations, requiring informative labeling of all alcoholic beverages offered for sale within this state and providing for the standards of fill and shapes of retail containers of alcoholic beverages; however, such containers shall not contain less than fifty (50) milliliters by liquid measure.

(g) Subject to the provisions of subsection (3) of Section 67-1-51, to issue rules and regulations governing the issuance of retail permits for premises located near or around schools, colleges, universities, churches and other public institutions, and specifying the distances therefrom within which

no such permit shall be issued. The Alcoholic Beverage Control Division shall not issue a package retailer's or on-premises retailer's permit for the sale or consumption of alcoholic beverages in or on the campus of any public school, community or junior college, college or university.

(h) To adopt and promulgate, repeal and amend, such rules, regulations, standards, requirements and orders, not inconsistent with this chapter or any law of this state or of the United States, as it deems necessary to control the manufacture, importation, transportation, distribution, delivery and sale of alcoholic liquor, whether intended for beverage or nonbeverage use in a manner not inconsistent with the provisions of this chapter or any other statute, including the native wine and native spirit laws.

(i) To call upon other administrative departments of the state, county and municipal governments, county and city police departments and upon prosecuting officers for such information and assistance as it may deem necessary in the performance of its duties.

(j) To prepare and submit to the Governor during the month of January of each year a detailed report of its official acts during the preceding fiscal year ending June 30, including such recommendations as it may see fit to make, and to transmit a like report to each member of the Legislature of this state upon the convening thereof at its next regular session.

(k) To inspect, or cause to be inspected, any premises where alcoholic liquors intended for sale are manufactured, stored, distributed or sold, and to examine or cause to be examined all books and records pertaining to the business conducted therein.

(l) To investigate the administration of laws in relation to alcoholic liquors in this and other states and any foreign countries, and to recommend from time to time to the Governor and through him to the Legislature of this state such amendments to this chapter, if any, as it may think desirable.

(m) To designate hours and days when alcoholic beverages may be sold in different localities in the state which permit such sale.

(n) To assign employees to posts of duty at locations where they will be most beneficial for the control of alcoholic beverages and to take any other action concerning persons employed under this chapter as authorized by law and taken in accordance with the rules, regulations and procedures of the State Personnel Board.

(o) To enforce the provisions made unlawful by Chapter 3, Title 67 and Section 97-5-49.

(p) To delegate its authority under this chapter to the Alcoholic Beverage Control Division, its director or any other officer or employee of the department that it deems appropriate.

(q) To prescribe and charge a fee to defray the costs of shipping alcoholic beverages, provided that such fee is determined in a manner provided by the department by rules and/or regulations adopted in accordance with the Mississippi Administrative Procedures Law.

SECTION 4. Section 67-1-83, Mississippi Code of 1972, as amended by House Bill No. 667, 2021 Regular Session, is amended as follows:

67-1-83. (1) It shall be unlawful for any permittee or * * * any employee or agent thereof to sell or furnish any alcoholic beverage to any person who is visibly intoxicated, or to any person who is known to habitually drink alcoholic beverages to excess, or to any person who is known to be an habitual user of narcotics or other habit-forming drugs. It shall also be unlawful for the holder of any package retailer's permit to sell any alcoholic beverages except by delivery in person to the purchaser at the place of business of the permittee, unless the holder of a package retailer's permit also holds a delivery service permit or uses a delivery service permittee to effect delivery.

(2) It shall be unlawful for any permittee or * * * any employee or agent thereof to sell or furnish any alcoholic beverage to any person to whom the * * * department has, after investigation, decided to prohibit the sale of those beverages because of an appeal to the * * * department so to do by the husband, wife, father, mother, brother, sister, child, or employer

of the person. The interdiction in those cases shall last until removed by the * * * department, but no person shall be held to have violated this subsection unless he has been informed by the * * * department, by registered letter, that it is forbidden to sell to that individual or unless that fact is otherwise known to the permittee or * * * its employee or agent.

(3) It shall be unlawful for any holder of a package retailer's permit, or any employee or agent thereof, engaged solely in the business of package retail sales under this chapter to sell or furnish any alcoholic beverage before 10:00 a.m. and after 10:00 p.m. or to sell alcoholic beverages on Sunday and Christmas Day.

(4) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for a term of not more than six (6) months, or by both that fine and imprisonment, in the discretion of the court. In addition to any other penalties prescribed by law, the commission * * * may immediately revoke the permit of any permittee who violates the provisions of this section.

SECTION 5. Section 67-3-5, Mississippi Code of 1972, is amended as follows:

67-3-5. (1) It shall be lawful, subject to the provisions set forth in this chapter and in Section 67-1-51, in this state to

transport, store, sell, distribute, possess, receive, deliver and/or manufacture light wine, light spirit product and beer, and it is hereby declared that it is the legislative intent that this chapter privileges the lawful sale and manufacture, within this state, of such light wines, light spirit products and beer. In determining if a wine product is "light wine," or contains an alcoholic content of more than five percent (5%) by weight, or is not an "alcoholic beverage" as defined in the Local Option Alcoholic Beverage Control Law, Chapter 1 of Title 67, Mississippi Code of 1972, the alcoholic content of such wine product shall be subject to the same permitted tolerance as is allowed by the labeling requirements for light wine provided for in Section 27-71-509.

(2) Subject to the provisions set forth in this chapter and in Section 67-1-51, it shall be lawful in this state to transport, store, sell, distribute, possess, receive, deliver and/or manufacture beer of an alcoholic content of more than eight percent (8%) by weight, if the beer is manufactured to be sold legally in another state and is transported outside of this state for retail sale.

SECTION 6. Section 67-3-25, Mississippi Code of 1972, is amended as follows:

67-3-25. (1) Any permit issued authorizing the sale or delivery of light wines, light spirit products and/or beer for consumption shall be construed to authorize the sale or delivery

of light wines, light spirit products and/or beer by the bottle, by the glass or by draught, and in or from the original package.

(2) The commissioner is authorized to establish, in his discretion, dates for the expiration of permits issued under this chapter.

(3) Except as otherwise provided in this section, permits shall be issued for twelve (12) months and shall be renewed annually on the first day of the month in which the permit expires. The commissioner may issue temporary permits for less than a full year. All permits shall show the effective date and expiration date of the permit, the business location, individual or business name and mailing address of the permittee.

SECTION 7. Section 27-71-5, Mississippi Code of 1972, as amended by House Bill No. 1288, 2021 Regular Session, and Senate Bill No. 2606, 2021 Regular Session, is amended as follows:

27-71-5. (1) Upon each person approved for a permit under the provisions of the Alcoholic Beverage Control Law and amendments thereto, there is levied and imposed for each location for the privilege of engaging and continuing in this state in the business authorized by such permit, an annual privilege license tax in the amount provided in the following schedule:

(a) Except as otherwise provided in this subsection (1), manufacturer's permit, Class 1, distiller's and/or rectifier's.....$4,500.00

(b) Manufacturer's permit, Class 2, wine

manufacturer.....$1,800.00

(c) Manufacturer's permit, Class 3, native wine manufacturer per ten thousand (10,000) gallons or part thereof produced.....$ 10.00

(d) Manufacturer's permit, Class 4, native spirit manufacturer per one thousand (1,000) gallons or part thereof produced.....$ 300.00

(* * *e) Native wine retailer's permit.....$ 50.00

(* * *f) Package retailer's permit, each.....$ 900.00

(* * *g) On-premises retailer's permit, except for clubs and common carriers, each.....$ 450.00

(* * *h) On-premises retailer's permit for wine of more than five percent (5%) alcohol by weight, but not more than twenty-one percent (21%) alcohol by weight, each.....$ 225.00

(* * *i) On-premises retailer's permit for clubs.....$ 225.00

(* * *j) On-premises retailer's permit for common carriers, per car, plane, or other vehicle.....$ 120.00

(* * *k) Solicitor's permit, regardless of any other provision of law, solicitor's permits shall be issued only in the discretion of the department.....$ 100.00

(* * *l) Filing fee for each application except for an employee identification card.....$ 25.00

(* * *m) Temporary permit, Class 1, each.....$ 10.00

(* * *n) Temporary permit, Class 2, each.....$ 50.00

(* * *o) (i) Caterer's permit.....$ 600.00

(ii) Caterer's permit for holders of on-premises retailer's permit.....$ 150.00

(* * *p) Research permit.....$ 100.00

(* * *q) Temporary permit, Class 3 (wine only).....$ 10.00

(* * *r) Special service permit.....$ 225.00

(* * *s) Merchant permit.....$ 225.00

(* * *t) Temporary alcoholic beverages charitable auction permit.....$ 10.00

(* * *u) Event venue retailer's permit.....$ 225.00

(* * *v) Temporary theatre permit, each.....$ 10.00

(* * *w) Charter ship operator's permit.....$ 100.00

(* * *x) Distillery retailer's permit.....$ 450.00

(* * *y) Festival wine permit.....$ 10.00

(z) Charter vessel operator's permit.....$ 100.00

(aa) Native spirit retailer's permit.....$ 50.00

(bb) Delivery service permit..... $ 500.00

If a person approved for a manufacturer's permit, Class 1, distiller's permit produces a product with at least fifty-one percent (51%) of the finished product by volume being obtained from alcoholic fermentation of grapes, fruits, berries, honey and/or vegetables grown and produced in Mississippi, and produces all of the product by using not more than one (1) still having a maximum capacity of one hundred fifty (150) liters, the annual

privilege license tax for such a permit shall be Ten Dollars ($10.00) per ten thousand (10,000) gallons or part thereof produced. Bulk, concentrated or fortified ingredients used for blending may be produced outside this state and used in producing such a product.

In addition to the filing fee imposed by paragraph (* * *l) of this subsection, a fee to be determined by the Department of Revenue may be charged to defray costs incurred to process applications. The additional fees shall be paid into the State Treasury to the credit of a special fund account, which is hereby created, and expenditures therefrom shall be made only to defray the costs incurred by the Department of Revenue in processing alcoholic beverage applications. Any unencumbered balance remaining in the special fund account on June 30 of any fiscal year shall lapse into the State General Fund.

All privilege taxes imposed by this section shall be paid in advance of doing business. The additional privilege tax imposed for an on-premises retailer's permit based upon purchases shall be due and payable on demand.

Paragraph (* * *y) of this subsection shall stand repealed from and after July 1, 2023.

(2) (a) There is imposed and shall be collected from each permittee, except a common carrier, solicitor * * *, a temporary permittee or a delivery service permittee, by the department, an additional license tax equal to the amounts imposed under

subsection (1) of this section for the privilege of doing business within any municipality or county in which the licensee is located.

(b) (i) In addition to the tax imposed in paragraph (a) of this subsection, there is imposed and shall be collected by the department from each permittee described in subsection (1)(f), (g), (h), (m) and (t) of this section, an additional license tax for the privilege of doing business within any municipality or county in which the licensee is located in the amount of Two Hundred Twenty-five Dollars ($225.00) on purchases exceeding Five Thousand Dollars ($5,000.00) and Two Hundred Twenty-five Dollars ($225.00) for each additional purchase of Five Thousand Dollars ($5,000.00), or fraction thereof.

(ii) In addition to the tax imposed in paragraph (a) of this subsection, there is imposed and shall be collected by the department from each permittee described in subsection (1)(n) and (r) of this section, an additional license tax for the privilege of doing business within any municipality or county in which the licensee is located in the amount of Two Hundred Fifty Dollars ($250.00) on purchases exceeding Five Thousand Dollars ($5,000.00) and Two Hundred Twenty-five Dollars ($225.00) for each additional purchase of Five Thousand Dollars ($5,000.00), or fraction thereof.

(iii) Any person who has paid the additional privilege license tax imposed by this paragraph, and whose permit

is renewed, may add any unused fraction of Five Thousand Dollars ($5,000.00) purchases to the first Five Thousand Dollars ($5,000.00) purchases authorized by the renewal permit, and no additional license tax will be required until purchases exceed the sum of the two (2) figures.

(c) If the licensee is located within a municipality, the department shall pay the amount of additional license tax collected under this section to the municipality, and if outside a municipality the department shall pay the additional license tax to the county in which the licensee is located. Payments by the department to the respective local government subdivisions shall be made once each month for any collections during the preceding month.

(3) When an application for any permit, other than for renewal of a permit, has been rejected by the department, such decision shall be final. Appeal may be made in the manner provided by Section 67-1-39. Another application from an applicant who has been denied a permit shall not be reconsidered within a twelve-month period.

(4) The number of permits issued by the department shall not be restricted or limited on a population basis; however, the foregoing limitation shall not be construed to preclude the right of the department to refuse to issue a permit because of the undesirability of the proposed location.

(5) If any person shall engage or continue in any business which is taxable under this section without having paid the tax as provided in this section, the person shall be liable for the full amount of the tax plus a penalty thereon equal to the amount thereof, and, in addition, shall be punished by a fine of not more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a term of not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court.

(6) It shall be unlawful for any person to consume alcoholic beverages on the premises of any hotel restaurant, restaurant, club or the interior of any public place defined in Chapter 1, Title 67, Mississippi Code of 1972, when the owner or manager thereof displays in several conspicuous places inside the establishment and at the entrances of establishment a sign containing the following language: NO ALCOHOLIC BEVERAGES ALLOWED.

SECTION 8. If any section, paragraph, sentence, clause, phrase or any part of this act is declared by a court of competent jurisdiction to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no manner affected thereby but shall remain in full force and effect.

SECTION 9. Section 1 of this act shall be codified as a new section in Chapter 1, Title 67, Mississippi Code of 1972.

SECTION 10. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1139

Description: Income, sales and use taxes; remove requirement that certain taxpayers pay June tax liability on or before June 25.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: ** See Text

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	01/27	(H) Title Suff Do Pass As Amended
3	02/10	(H) Amended
4	02/10	(H) Passed As Amended {Vote}
5	02/12	(H) Transmitted To Senate
6	02/16	(S) Referred To Finance
7	03/02	(S) Title Suff Do Pass As Amended
8	03/09	(S) Amended
9	03/09	(S) Passed As Amended {Vote}
10	03/10	(S) Returned For Concurrence
11	03/17	(H) Decline to Concur/Invite Conf
12	03/23	(H) Conferees Named Lamar,Steverson,Massengill
13	03/24	(S) Conferees Named Harkins,Bryan,Hopson
14	03/29	(H) Conference Report Filed
15	03/29	(S) Conference Report Filed
16	03/30	(S) Conference Report Adopted {Vote}
17	03/30	(H) Conference Report Adopted {Vote}
18	04/01	(H) Enrolled Bill Signed
19	04/01	(S) Enrolled Bill Signed
20	04/20	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1139

Conference Reports:
| Conference Report

Code Section: A 027-0007-0309, A 027-0065-0033, A 027-0067-0017, A 027-0065-0075

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Lamar
Additional Authors: Brown (20th), Crawford, Bounds

Title: AN ACT TO AMEND SECTION 27-7-309, MISSISSIPPI CODE OF 1972, TO REMOVE THE PROVISION THAT REQUIRES EMPLOYERS WITH AN AVERAGE MONTHLY WITHHOLDING TAX LIABILITY OF AT LEAST $50,000.00 FOR THE PRECEDING CALENDAR YEAR TO PAY, ON OR BEFORE JUNE 25, AT LEAST 75% OF THEIR ESTIMATED JUNE WITHHOLDING TAX LIABILITY FOR THE CURRENT TAXABLE YEAR OR AT LEAST 75% OF THEIR JUNE WITHHOLDING TAX LIABILITY FOR THE PRECEDING TAXABLE YEAR; TO AMEND SECTION 27-65-33, MISSISSIPPI CODE OF 1972, TO REMOVE THE PROVISION THAT REQUIRES TAXPAYERS WHO ARE REQUIRED TO COLLECT SALES TAX AND WHO HAVE AN AVERAGE MONTHLY SALES TAX LIABILITY OF AT LEAST $50,000.00 FOR THE PRECEDING CALENDAR YEAR TO PAY, ON OR BEFORE JUNE 25, AT LEAST 75% OF THEIR ESTIMATED JUNE SALES TAX LIABILITY FOR THE CURRENT CALENDAR YEAR OR AT LEAST 75% OF THEIR JUNE SALES TAX LIABILITY FOR THE PRECEDING CALENDAR YEAR; TO AMEND SECTION 27-67-17, MISSISSIPPI CODE OF 1972, TO REMOVE THE PROVISION THAT REQUIRES TAXPAYERS WHO ARE REQUIRED TO COLLECT USE TAX AND WHO HAVE AN AVERAGE MONTHLY USE TAX LIABILITY OF AT LEAST $50,000.00 FOR THE PRECEDING CALENDAR YEAR TO PAY, ON OR BEFORE JUNE 25, AT LEAST 75% OF THEIR ESTIMATED JUNE USE TAX LIABILITY FOR THE CURRENT CALENDAR YEAR OR AT LEAST 75% OF THEIR JUNE USE TAX LIABILITY FOR THE PRECEDING CALENDAR YEAR; TO AMEND SECTION 27-65-75, MISSISSIPPI CODE OF 1972, TO REVISE THE COUNTIES ELIGIBLE FOR A DIVERSION OF A PORTION OF THE SALES TAX REVENUE COLLECTED ON BUSINESS ACTIVITIES WITHIN A REDEVELOPMENT PROJECT AREA DEVELOPED UNDER THE TAX INCREMENT FINANCING ACT IF THE COUNTY HAS ISSUED BONDS UNDER THE TAX INCREMENT FINANCING ACT TO FINANCE ALL OR A PORTION OF SUCH REDEVELOPMENT PROJECT, ANY DEBT SERVICE FOR SUCH INDEBTEDNESS IS OUTSTANDING, AND A DEVELOPMENT WITH A VALUE OF $10,000,000.00 OR MORE IS, OR WILL BE, LOCATED IN THE REDEVELOPMENT AREA; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 1139

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Lamar, Brown (20th), Crawford, Bounds

To: Ways and Means

HOUSE BILL NO. 1139
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-7-309, MISSISSIPPI CODE OF 1972, TO REMOVE THE PROVISION THAT REQUIRES EMPLOYERS WITH AN AVERAGE MONTHLY WITHHOLDING TAX LIABILITY OF AT LEAST $50,000.00 FOR THE PRECEDING CALENDAR YEAR TO PAY, ON OR BEFORE JUNE 25, AT LEAST 75% OF THEIR ESTIMATED JUNE WITHHOLDING TAX LIABILITY FOR THE CURRENT TAXABLE YEAR OR AT LEAST 75% OF THEIR JUNE WITHHOLDING TAX LIABILITY FOR THE PRECEDING TAXABLE YEAR; TO AMEND SECTION 27-65-33, MISSISSIPPI CODE OF 1972, TO REMOVE THE PROVISION THAT REQUIRES TAXPAYERS WHO ARE REQUIRED TO COLLECT SALES TAX AND WHO HAVE AN AVERAGE MONTHLY SALES TAX LIABILITY OF AT LEAST $50,000.00 FOR THE PRECEDING CALENDAR YEAR TO PAY, ON OR BEFORE JUNE 25, AT LEAST 75% OF THEIR ESTIMATED JUNE SALES TAX LIABILITY FOR THE CURRENT CALENDAR YEAR OR AT LEAST 75% OF THEIR JUNE SALES TAX LIABILITY FOR THE PRECEDING CALENDAR YEAR; TO AMEND SECTION 27-67-17, MISSISSIPPI CODE OF 1972, TO REMOVE THE PROVISION THAT REQUIRES TAXPAYERS WHO ARE REQUIRED TO COLLECT USE TAX AND WHO HAVE AN AVERAGE MONTHLY USE TAX LIABILITY OF AT LEAST $50,000.00 FOR THE PRECEDING CALENDAR YEAR TO PAY, ON OR BEFORE JUNE 25, AT LEAST 75% OF THEIR ESTIMATED JUNE USE TAX LIABILITY FOR THE CURRENT CALENDAR YEAR OR AT LEAST 75% OF THEIR JUNE USE TAX LIABILITY FOR THE PRECEDING CALENDAR YEAR; TO AMEND SECTION 27-65-75, MISSISSIPPI CODE OF 1972, TO REVISE THE COUNTIES ELIGIBLE FOR A DIVERSION OF A PORTION OF THE SALES TAX REVENUE COLLECTED ON BUSINESS ACTIVITIES WITHIN A REDEVELOPMENT PROJECT AREA DEVELOPED UNDER THE TAX INCREMENT FINANCING ACT IF THE COUNTY HAS ISSUED BONDS UNDER THE TAX INCREMENT FINANCING ACT TO FINANCE ALL OR A PORTION OF SUCH REDEVELOPMENT PROJECT, ANY DEBT SERVICE FOR SUCH INDEBTEDNESS IS OUTSTANDING, AND A DEVELOPMENT WITH A VALUE OF $10,000,000.00 OR MORE IS, OR WILL BE, LOCATED IN THE REDEVELOPMENT AREA; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-7-309, Mississippi Code of 1972, is amended as follows:

27-7-309. (1) (a) Except as otherwise provided in this subsection, every employer required to deduct and withhold from wages under this article shall, for each calendar quarter, on or before the fifteenth day of the month following the close of such calendar quarter, file a withholding return as prescribed by the commissioner and pay over to the commissioner the full amount required to be deducted and withheld from wages by such employer for the calendar quarter. Provided that the commissioner may, by regulation, provide that every such employer shall, on or before the fifteenth day of each month, pay over to the commissioner or a depository designated by the commissioner, the amount required to be deducted and withheld by such employer for the preceding month, if such amount is One Hundred Dollars ($100.00) or more. Returns and payments placed in the mail must be postmarked by the due date in order to be timely filed, except when the due date falls on a weekend or holiday, returns and payments placed in the mail must be postmarked by the first working day following the due date in order to be considered timely filed.

* * *

(* * *b) The commissioner may promulgate rules and regulations to require or permit filing periods of any duration, in lieu of monthly or quarterly filing periods, for any taxpayer or group thereof.

(2) Notwithstanding any of the other provisions of this section, all transient employers and all employers engaged in any business which is seasonal shall make return and pay over to the commissioner on a monthly basis, the full amounts required to be deducted and withheld from the wages by such employer for the calendar month. Such returns and payments to the commissioner by such employers shall be made on or before the fifteenth day of the month following the month for which such amounts were deducted and withheld from the wages of his employees. The commissioner shall have the authority to issue reasonable rules and regulations designating or classifying those transient and seasonal employers.

(3) If the commissioner, in any case, has justifiable reason to believe that the collection of funds required to be withheld by any employer as provided herein is in jeopardy, he may require the employer to file a return and pay such amount required to be withheld at any time.

(4) Every employer who fails to withhold or pay to the commissioner any sums required by this article to be withheld and paid, shall be personally and individually liable therefor, except as provided in Section 27-7-307; and any sum or sums withheld in accordance with the provisions of this article shall be deemed to be held in trust for the State of Mississippi and shall be recorded by the employer in a ledger account so as to clearly indicate the amount of tax withheld and that the amount is the property of the State of Mississippi.

(5) Once an employer has become liable to a quarterly return of withholding, he must continue to file a quarterly report, even though no tax has been withheld, until such time as he notifies the commissioner, in writing, that he no longer has employees or that he is no longer liable for such quarterly returns.

(6) Once an employer has become liable to a monthly return of withholding, he must continue to file a monthly report, even though no tax has been withheld until such time as he notifies the commissioner, in writing, that he no longer has employees or that he is no longer liable for such monthly returns.

(7) Magnetic media reporting may be required in a manner to be determined by the commissioner.

SECTION 2. Section 27-65-33, Mississippi Code of 1972, is amended as follows:

27-65-33. (1) (a) Except as otherwise provided in this section, the taxes levied by this chapter shall be due and payable on or before the twentieth day of the month next succeeding the month in which the tax accrues, except as otherwise provided. Returns and payments placed in the mail must be postmarked by the due date in order to be considered timely filed, except when the due date falls on a weekend or holiday, returns and payments placed in the mail must be postmarked by the first working day following the due date in order to be considered timely filed. The taxpayer shall make a return showing the gross proceeds of sales or the gross income of the business, and any and all

allowable deductions, or exempt sales, and compute the tax due for the period covered.

(b) As compensation for collecting sales and use taxes, complying fully with the applicable statutes, filing returns and supplements thereto and paying all taxes by the twentieth of the month following the period covered, the taxpayer may discount and retain two percent (2%) of the liability on each return subject to the following limitations:

(i) The compensation or discount shall not apply to taxes levied under the provisions of Sections 27-65-19 and 27-65-21, or on charges for ginning cotton under Section 27-65-23.

(ii) The compensation or discount shall not apply to taxes collected by a county official or state agency.

(iii) The compensation or discount shall not exceed Fifty Dollars ($50.00) per month, or Six Hundred Dollars ($600.00) per calendar year, per business location on each state sales tax return, or on each use tax return.

(iv) The compensation or discount shall not apply to any wholesale tax, the rate of which is equal to or greater than the tax rate applicable to retail sales of the same property or service. The retailer of such items shall be entitled to the compensation based on the tax computed on retail sales before application of the credit for any tax paid to the wholesaler, jobber or other person.

(v) The compensation or discount allowed and taken for any filing period may be reassessed and collected when an audit of a taxpayer's records reveals a tax deficiency for that period.

(c) As compensation for collecting any tax imposed under the authority of a local and private law of the State of Mississippi which is collected and paid to the Department of Revenue in the same or similar manner that state sales taxes are collected and paid, complying fully with such applicable law, filing returns and supplements thereto and paying all taxes by the twentieth of the month following the period covered, the taxpayer may discount and retain two percent (2%) of the liability on each return subject to the following limitations:

(i) The compensation or discount shall not apply to taxes collected by a county official or state agency.

(ii) The compensation or discount shall not exceed Fifty Dollars ($50.00) per month, or Six Hundred Dollars ($600.00) per calendar year, per business location on each tax return.

(iii) The compensation or discount allowed and taken for any filing period may be reassessed and collected when an audit of a taxpayer's records reveals a tax deficiency for that period.

* * *

(* * *2) All returns shall be sworn to by the taxpayer, if made by an individual, or by the president, vice president,

secretary or treasurer of a corporation, or authorized agent, if made on behalf of a corporation. If made on behalf of a partnership, joint venture, association, trust, estate, or in any other group or combination acting as a unit, any individual delegated by such firm shall swear to the return on behalf of the taxpayer. The commissioner may prescribe methods by which the taxpayer may swear to his return.

(* * *3) The commissioner may promulgate rules and regulations to require or permit filing periods of any duration, in lieu of monthly filing periods, for any taxpayer or group thereof.

(* * *4) The commissioner may require the execution and filing by the taxpayer with the commissioner of a good and solvent bond with some surety company authorized to do business in Mississippi as surety thereon in an amount double the aggregate tax liability by such taxpayer for any previous three-month period within the last calendar year or estimated three (3) months' tax liability. The bond is to be conditioned for the prompt payment of such taxes as may be due for each such return.

(* * *5) The commissioner, for good cause, may grant such reasonable additional time within which to make any return required under the provisions of this chapter as he may deem proper, but the time for filing any return shall not be extended beyond the twentieth of the month next succeeding the regular due date of the return without the imposition of interest at the rate

of one-half of one percent (1/2 of 1%) per month or fractional part of a month from the time the return was due until the tax is paid.

(* * *6) For persistent, willful or recurring failure to make any return and pay the tax shown thereby to be due by the time specified, there shall be added to the amount of tax shown to be due ten percent (10%) damages, or interest at the rate of one-half of one percent (1/2 of 1%) per month, or both.

(* * *7) Any taxpayer may, upon making application therefor, obtain from the commissioner an extension of time for the payment of taxes due on credit sales until collections thereon have been made. When such extension is granted, the taxpayer shall thereafter include in each monthly or quarterly report all collections made during the preceding month or quarter, and shall pay the taxes due thereon at the time of filing such report. Such permission may be revoked or denied at the discretion of the commissioner when, in his opinion, a total sales basis will best reflect the taxable income or expedite examination of the taxpayer's records.

(* * *8) Any taxpayer reporting credit sales before collection thereof has been made may take credit on subsequent returns or reports for bad debts actually charged off, if such amounts charged off have previously been included in taxable gross income or taxable gross proceeds of sales, as the case may be, and the tax paid thereon. However, any amounts subsequently collected

on accounts that have been charged off as bad debts shall be included in subsequent reports and the tax shall be paid thereon.

(* * *9) In cases where an extension of time has been granted by the commissioner for payment of taxes due on credit sales and the taxpayer thereafter discontinues the business, such taxpayer shall be required to file with the commissioner within ten (10) days, or such further time as the commissioner may direct, from the date of the discontinuance of such business, a special report showing the amounts of any credit sales which have not been included in determining the measure of the tax previously paid and any other information with reference to credit sales as the commissioner may require. The commissioner shall thereupon investigate the facts with reference to credit sales and the condition of the accounts, and shall determine, from the best evidence available, the value of all open accounts, notes or other evidence of debt arising from credit sales. The value of all notes, open accounts and other evidence of debt, as thus determined by the commissioner, shall be used in determining the amount of the tax for which such taxpayer shall be liable. When the amount of the tax shall have been ascertained, the taxpayer shall be required to pay the same within ten (10) days or such further time as the commissioner may allow, notwithstanding the fact that such note or accounts may still remain uncollected.

SECTION 3. Section 27-67-17, Mississippi Code of 1972, is amended as follows:

27-67-17. (1) Except as otherwise provided in this section, the commissioner shall collect the tax imposed by this article, and every person subject to its provisions shall remit to the commissioner, on or before the twentieth day of each month, the amount of tax due by such person for the preceding calendar month. Returns and payments placed in the mail must be postmarked by the due date in order to be timely filed, except that when the due date falls on a weekend or holiday, returns and payments placed in the mail must be postmarked by the first working day following the due date in order to be considered timely filed. Every taxpayer shall file a return with his remittance, which return shall be prescribed by the commissioner and shall show for the calendar month preceding the tax payment date, the total sale or purchase price, or value of tangible personal property or specified digital products sold, used, stored or consumed by him for benefit received or service performed, and such other information as the commissioner may deem pertinent and necessary for determining the amount of tax due thereunder.

(2) The commissioner, in his discretion, may authorize in writing the filing of returns and the payment of tax on a quarterly basis by any person required or authorized to pay the tax imposed, such authority to be subject to revocation for good cause by the commissioner.

(3) In instances where it is impractical to file returns and pay the tax monthly or quarterly, the commissioner may authorize the filing of semiannual or annual returns.

* * *

(* * *4) The commissioner, in his discretion, may authorize the computation of the tax on the basis of a formula in lieu of direct accounting of specific properties in instances where such method will expedite, simplify or provide a more equitable means of determining liability under this article. All formulas shall be subject to revocation for good cause by the commissioner.

SECTION 4. Section 27-65-75, Mississippi Code of 1972, is amended as follows:

27-65-75. On or before the fifteenth day of each month, the revenue collected under the provisions of this chapter during the preceding month shall be paid and distributed as follows:

(1) (a) On or before August 15, 1992, and each succeeding month thereafter through July 15, 1993, eighteen percent (18%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on business activities within a municipal corporation shall be allocated for distribution to the municipality and paid to the municipal corporation. Except as otherwise provided in this paragraph (a), on or before August 15, 1993, and each succeeding month thereafter, eighteen and one-half percent (18-1/2%) of the

total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and 27-65-24, on business activities within a municipal corporation shall be allocated for distribution to the municipality and paid to the municipal corporation. However, in the event the State Auditor issues a certificate of noncompliance pursuant to Section 21-35-31, the Department of Revenue shall withhold ten percent (10%) of the allocations and payments to the municipality that would otherwise be payable to the municipality under this paragraph (a) until such time that the department receives written notice of the cancellation of a certificate of noncompliance from the State Auditor.

A municipal corporation, for the purpose of distributing the tax under this subsection, shall mean and include all incorporated cities, towns and villages.

Monies allocated for distribution and credited to a municipal corporation under this paragraph may be pledged as security for a loan if the distribution received by the municipal corporation is otherwise authorized or required by law to be pledged as security for such a loan.

In any county having a county seat that is not an incorporated municipality, the distribution provided under this subsection shall be made as though the county seat was an incorporated municipality; however, the distribution to the

municipality shall be paid to the county treasury in which the municipality is located, and those funds shall be used for road, bridge and street construction or maintenance in the county.

(b) On or before August 15, 2006, and each succeeding month thereafter, eighteen and one-half percent (18-1/2%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on business activities on the campus of a state institution of higher learning or community or junior college whose campus is not located within the corporate limits of a municipality, shall be allocated for distribution to the state institution of higher learning or community or junior college and paid to the state institution of higher learning or community or junior college.

(c) On or before August 15, 2018, and each succeeding month thereafter until August 14, 2019, two percent (2%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and 27-65-24, on business activities within the corporate limits of the City of Jackson, Mississippi, shall be deposited into the Capitol Complex Improvement District Project Fund created in Section 29-5-215. On or before August 15, 2019, and each succeeding month thereafter until August 14, 2020, four percent (4%) of the total sales tax revenue collected during the preceding

month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and 27-65-24, on business activities within the corporate limits of the City of Jackson, Mississippi, shall be deposited into the Capitol Complex Improvement District Project Fund created in Section 29-5-215. On or before August 15, 2020, and each succeeding month thereafter, six percent (6%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3), 27-65-21 and 27-65-24, on business activities within the corporate limits of the City of Jackson, Mississippi, shall be deposited into the Capitol Complex Improvement District Project Fund created in Section 29-5-215.

(d) (i) On or before the fifteenth day of the month that the diversion authorized by this section begins, and each succeeding month thereafter, eighteen and one-half percent (18-1/2%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Sections 27-65-15, 27-65-19(3) and 27-65-21, on business activities within a redevelopment project area developed under a redevelopment plan adopted under the Tax Increment Financing Act (Section 21-45-1 et seq.) shall be allocated for distribution to the county in which the project area is located if:

1. The county:

a. Borders on the Mississippi Sound and the State of Alabama, or

b. Is Harrison County, Mississippi, and the project area is within a radius of two (2) miles from the intersection of Interstate 10 and Menge Avenue;

2. The county has issued bonds under Section 21-45-9 to finance all or a portion of a redevelopment project in the redevelopment project area;

3. Any debt service for the indebtedness incurred is outstanding; and

4. A development with a value of Ten Million Dollars ($10,000,000.00) or more is, or will be, located in the redevelopment area.

(ii) Before any sales tax revenue may be allocated for distribution to a county under this paragraph, the county shall certify to the Department of Revenue that the requirements of this paragraph have been met, the amount of bonded indebtedness that has been incurred by the county for the redevelopment project and the expected date the indebtedness incurred by the county will be satisfied.

(iii) The diversion of sales tax revenue authorized by this paragraph shall begin the month following the month in which the Department of Revenue determines that the requirements of this paragraph have been met. The diversion shall

end the month the indebtedness incurred by the county is satisfied. All revenue received by the county under this paragraph shall be deposited in the fund required to be created in the tax increment financing plan under Section 21-45-11 and be utilized solely to satisfy the indebtedness incurred by the county.

(2) On or before September 15, 1987, and each succeeding month thereafter, from the revenue collected under this chapter during the preceding month, One Million One Hundred Twenty-five Thousand Dollars ($1,125,000.00) shall be allocated for distribution to municipal corporations as defined under subsection (1) of this section in the proportion that the number of gallons of gasoline and diesel fuel sold by distributors to consumers and retailers in each such municipality during the preceding fiscal year bears to the total gallons of gasoline and diesel fuel sold by distributors to consumers and retailers in municipalities statewide during the preceding fiscal year. The Department of Revenue shall require all distributors of gasoline and diesel fuel to report to the department monthly the total number of gallons of gasoline and diesel fuel sold by them to consumers and retailers in each municipality during the preceding month. The Department of Revenue shall have the authority to promulgate such rules and regulations as is necessary to determine the number of gallons of gasoline and diesel fuel sold by distributors to consumers and retailers in each municipality. In determining the percentage

allocation of funds under this subsection for the fiscal year beginning July 1, 1987, and ending June 30, 1988, the Department of Revenue may consider gallons of gasoline and diesel fuel sold for a period of less than one (1) fiscal year. For the purposes of this subsection, the term "fiscal year" means the fiscal year beginning July 1 of a year.

(3) On or before September 15, 1987, and on or before the fifteenth day of each succeeding month, until the date specified in Section 65-39-35, the proceeds derived from contractors' taxes levied under Section 27-65-21 on contracts for the construction or reconstruction of highways designated under the highway program created under Section 65-3-97 shall, except as otherwise provided in Section 31-17-127, be deposited into the State Treasury to the credit of the State Highway Fund to be used to fund that highway program. The Mississippi Department of Transportation shall provide to the Department of Revenue such information as is necessary to determine the amount of proceeds to be distributed under this subsection.

(4) On or before August 15, 1994, and on or before the fifteenth day of each succeeding month through July 15, 1999, from the proceeds of gasoline, diesel fuel or kerosene taxes as provided in Section 27-5-101(a)(ii)1, Four Million Dollars ($4,000,000.00) shall be deposited in the State Treasury to the credit of a special fund designated as the "State Aid Road Fund," created by Section 65-9-17. On or before August 15, 1999, and on

or before the fifteenth day of each succeeding month, from the total amount of the proceeds of gasoline, diesel fuel or kerosene taxes apportioned by Section 27-5-101(a)(ii)1, Four Million Dollars ($4,000,000.00) or an amount equal to twenty-three and one-fourth percent (23-1/4%) of those funds, whichever is the greater amount, shall be deposited in the State Treasury to the credit of the "State Aid Road Fund," created by Section 65-9-17. Those funds shall be pledged to pay the principal of and interest on state aid road bonds heretofore issued under Sections 19-9-51 through 19-9-77, in lieu of and in substitution for the funds previously allocated to counties under this section. Those funds may not be pledged for the payment of any state aid road bonds issued after April 1, 1981; however, this prohibition against the pledging of any such funds for the payment of bonds shall not apply to any bonds for which intent to issue those bonds has been published for the first time, as provided by law before March 29, 1981. From the amount of taxes paid into the special fund under this subsection and subsection (9) of this section, there shall be first deducted and paid the amount necessary to pay the expenses of the Office of State Aid Road Construction, as authorized by the Legislature for all other general and special fund agencies. The remainder of the fund shall be allocated monthly to the several counties in accordance with the following formula:

(a) One-third (1/3) shall be allocated to all counties in equal shares;

(b) One-third (1/3) shall be allocated to counties based on the proportion that the total number of rural road miles in a county bears to the total number of rural road miles in all counties of the state; and

(c) One-third (1/3) shall be allocated to counties based on the proportion that the rural population of the county bears to the total rural population in all counties of the state, according to the latest federal decennial census.

For the purposes of this subsection, the term "gasoline, diesel fuel or kerosene taxes" means such taxes as defined in paragraph (f) of Section 27-5-101.

The amount of funds allocated to any county under this subsection for any fiscal year after fiscal year 1994 shall not be less than the amount allocated to the county for fiscal year 1994.

Any reference in the general laws of this state or the Mississippi Code of 1972 to Section 27-5-105 shall mean and be construed to refer and apply to subsection (4) of Section 27-65-75.

(5) One Million Six Hundred Sixty-six Thousand Six Hundred Sixty-six Dollars ($1,666,666.00) each month shall be paid into the special fund known as the "State Public School Building Fund" created and existing under the provisions of Sections 37-47-1 through 37-47-67. Those payments into that fund are to be made on the last day of each succeeding month hereafter.

(6) An amount each month beginning August 15, 1983, through November 15, 1986, as specified in Section 6, Chapter 542, Laws of 1983, shall be paid into the special fund known as the Correctional Facilities Construction Fund created in Section 6, Chapter 542, Laws of 1983.

(7) On or before August 15, 1992, and each succeeding month thereafter through July 15, 2000, two and two hundred sixty-six one-thousandths percent (2.266%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Section 27-65-17(2), shall be deposited by the department into the School Ad Valorem Tax Reduction Fund created under Section 37-61-35. On or before August 15, 2000, and each succeeding month thereafter, two and two hundred sixty-six one-thousandths percent (2.266%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Section 27-65-17(2), shall be deposited into the School Ad Valorem Tax Reduction Fund created under Section 37-61-35 until such time that the total amount deposited into the fund during a fiscal year equals Forty-two Million Dollars ($42,000,000.00). Thereafter, the amounts diverted under this subsection (7) during the fiscal year in excess of Forty-two Million Dollars ($42,000,000.00) shall be deposited into the Education Enhancement Fund created under Section 37-61-33 for appropriation by the Legislature as other education needs and

shall not be subject to the percentage appropriation requirements set forth in Section 37-61-33.

(8) On or before August 15, 1992, and each succeeding month thereafter, nine and seventy-three one-thousandths percent (9.073%) of the total sales tax revenue collected during the preceding month under the provisions of this chapter, except that collected under the provisions of Section 27-65-17(2), shall be deposited into the Education Enhancement Fund created under Section 37-61-33.

(9) On or before August 15, 1994, and each succeeding month thereafter, from the revenue collected under this chapter during the preceding month, Two Hundred Fifty Thousand Dollars ($250,000.00) shall be paid into the State Aid Road Fund.

(10) On or before August 15, 1994, and each succeeding month thereafter through August 15, 1995, from the revenue collected under this chapter during the preceding month, Two Million Dollars ($2,000,000.00) shall be deposited into the Motor Vehicle Ad Valorem Tax Reduction Fund established in Section 27-51-105.

(11) Notwithstanding any other provision of this section to the contrary, on or before February 15, 1995, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of Section 27-65-17(2) and the corresponding levy in Section 27-65-23 on the rental or lease of private carriers of passengers and light carriers of property as defined in Section 27-51-101 shall be deposited, without

diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund established in Section 27-51-105.

(12) Notwithstanding any other provision of this section to the contrary, on or before August 15, 1995, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of Section 27-65-17(1) on retail sales of private carriers of passengers and light carriers of property, as defined in Section 27-51-101 and the corresponding levy in Section 27-65-23 on the rental or lease of these vehicles, shall be deposited, after diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund established in Section 27-51-105.

(13) On or before July 15, 1994, and on or before the fifteenth day of each succeeding month thereafter, that portion of the avails of the tax imposed in Section 27-65-22 that is derived from activities held on the Mississippi State Fairgrounds Complex shall be paid into a special fund that is created in the State Treasury and shall be expended upon legislative appropriation solely to defray the costs of repairs and renovation at the Trade Mart and Coliseum.

(14) On or before August 15, 1998, and each succeeding month thereafter through July 15, 2005, that portion of the avails of the tax imposed in Section 27-65-23 that is derived from sales by cotton compresses or cotton warehouses and that would otherwise be paid into the General Fund shall be deposited in an amount not to exceed Two Million Dollars ($2,000,000.00) into the special fund

created under Section 69-37-39. On or before August 15, 2007, and each succeeding month thereafter through July 15, 2010, that portion of the avails of the tax imposed in Section 27-65-23 that is derived from sales by cotton compresses or cotton warehouses and that would otherwise be paid into the General Fund shall be deposited in an amount not to exceed Two Million Dollars ($2,000,000.00) into the special fund created under Section 69-37-39 until all debts or other obligations incurred by the Certified Cotton Growers Organization under the Mississippi Boll Weevil Management Act before January 1, 2007, are satisfied in full. On or before August 15, 2010, and each succeeding month thereafter through July 15, 2011, fifty percent (50%) of that portion of the avails of the tax imposed in Section 27-65-23 that is derived from sales by cotton compresses or cotton warehouses and that would otherwise be paid into the General Fund shall be deposited into the special fund created under Section 69-37-39 until such time that the total amount deposited into the fund during a fiscal year equals One Million Dollars ($1,000,000.00). On or before August 15, 2011, and each succeeding month thereafter, that portion of the avails of the tax imposed in Section 27-65-23 that is derived from sales by cotton compresses or cotton warehouses and that would otherwise be paid into the General Fund shall be deposited into the special fund created under Section 69-37-39 until such time that the total amount

deposited into the fund during a fiscal year equals One Million Dollars ($1,000,000.00).

(15) Notwithstanding any other provision of this section to the contrary, on or before September 15, 2000, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of Section 27-65-19(1)(d)(i)2, and 27-65-19(1)(d)(i)3 shall be deposited, without diversion, into the Telecommunications Ad Valorem Tax Reduction Fund established in Section 27-38-7.

(16) (a) On or before August 15, 2000, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of this chapter on the gross proceeds of sales of a project as defined in Section 57-30-1 shall be deposited, after all diversions except the diversion provided for in subsection (1) of this section, into the Sales Tax Incentive Fund created in Section 57-30-3.

(b) On or before August 15, 2007, and each succeeding month thereafter, eighty percent (80%) of the sales tax revenue collected during the preceding month under the provisions of this chapter from the operation of a tourism project under the provisions of Sections 57-26-1 through 57-26-5, shall be deposited, after the diversions required in subsections (7) and (8) of this section, into the Tourism Project Sales Tax Incentive Fund created in Section 57-26-3.

(17) Notwithstanding any other provision of this section to the contrary, on or before April 15, 2002, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under Section 27-65-23 on sales of parking services of parking garages and lots at airports shall be deposited, without diversion, into the special fund created under Section 27-5-101(d).

(18) [Repealed]

(19) (a) On or before August 15, 2005, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of this chapter on the gross proceeds of sales of a business enterprise located within a redevelopment project area under the provisions of Sections 57-91-1 through 57-91-11, and the revenue collected on the gross proceeds of sales from sales made to a business enterprise located in a redevelopment project area under the provisions of Sections 57-91-1 through 57-91-11 (provided that such sales made to a business enterprise are made on the premises of the business enterprise), shall, except as otherwise provided in this subsection (19), be deposited, after all diversions, into the Redevelopment Project Incentive Fund as created in Section 57-91-9.

(b) For a municipality participating in the Economic Redevelopment Act created in Sections 57-91-1 through 57-91-11, the diversion provided for in subsection (1) of this section

attributable to the gross proceeds of sales of a business enterprise located within a redevelopment project area under the provisions of Sections 57-91-1 through 57-91-11, and attributable to the gross proceeds of sales from sales made to a business enterprise located in a redevelopment project area under the provisions of Sections 57-91-1 through 57-91-11 (provided that such sales made to a business enterprise are made on the premises of the business enterprise), shall be deposited into the Redevelopment Project Incentive Fund as created in Section 57-91-9, as follows:

(i) For the first six (6) years in which payments are made to a developer from the Redevelopment Project Incentive Fund, one hundred percent (100%) of the diversion shall be deposited into the fund;

(ii) For the seventh year in which such payments are made to a developer from the Redevelopment Project Incentive Fund, eighty percent (80%) of the diversion shall be deposited into the fund;

(iii) For the eighth year in which such payments are made to a developer from the Redevelopment Project Incentive Fund, seventy percent (70%) of the diversion shall be deposited into the fund;

(iv) For the ninth year in which such payments are made to a developer from the Redevelopment Project Incentive Fund,

sixty percent (60%) of the diversion shall be deposited into the fund; and

(v) For the tenth year in which such payments are made to a developer from the Redevelopment Project Incentive Fund, fifty percent (50%) of the funds shall be deposited into the fund.

(20) On or before January 15, 2007, and each succeeding month thereafter, eighty percent (80%) of the sales tax revenue collected during the preceding month under the provisions of this chapter from the operation of a tourism project under the provisions of Sections 57-28-1 through 57-28-5 shall be deposited, after the diversions required in subsections (7) and (8) of this section, into the Tourism Sales Tax Incentive Fund created in Section 57-28-3.

(21) (a) On or before April 15, 2007, and each succeeding month thereafter through June 15, 2013, One Hundred Fifty Thousand Dollars ($150,000.00) of the sales tax revenue collected during the preceding month under the provisions of this chapter shall be deposited into the MMEIA Tax Incentive Fund created in Section 57-101-3.

(b) On or before July 15, 2013, and each succeeding month thereafter, One Hundred Fifty Thousand Dollars ($150,000.00) of the sales tax revenue collected during the preceding month under the provisions of this chapter shall be deposited into the Mississippi Development Authority Job Training Grant Fund created in Section 57-1-451.

(22) Notwithstanding any other provision of this section to the contrary, on or before August 15, 2009, and each succeeding month thereafter, the sales tax revenue collected during the preceding month under the provisions of Section 27-65-201 shall be deposited, without diversion, into the Motor Vehicle Ad Valorem Tax Reduction Fund established in Section 27-51-105.

(23) (a) On or before August 15, 2019, and each month thereafter through July 15, 2020, one percent (1%) of the total sales tax revenue collected during the preceding month from restaurants and hotels shall be allocated for distribution to the Mississippi Development Authority Tourism Advertising Fund established under Section 57-1-64, to be used exclusively for the purpose stated therein. On or before August 15, 2020, and each month thereafter through July 15, 2021, two percent (2%) of the total sales tax revenue collected during the preceding month from restaurants and hotels shall be allocated for distribution to the Mississippi Development Authority Tourism Advertising Fund established under Section 57-1-64, to be used exclusively for the purpose stated therein. On or before August 15, 2021, and each month thereafter, three percent (3%) of the total sales tax revenue collected during the preceding month from restaurants and hotels shall be allocated for distribution to the Mississippi Development Authority Tourism Advertising Fund established under Section 57-1-64, to be used exclusively for the purpose stated

therein. The revenue diverted pursuant to this subsection shall not be available for expenditure until February 1, 2020.

(b) The Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER) must provide an annual report to the Legislature indicating the amount of funds deposited into the Mississippi Development Authority Tourism Advertising Fund established under Section 57-1-64, and a detailed record of how the funds are spent.

(24) The remainder of the amounts collected under the provisions of this chapter shall be paid into the State Treasury to the credit of the General Fund.

(25) (a) It shall be the duty of the municipal officials of any municipality that expands its limits, or of any community that incorporates as a municipality, to notify the commissioner of that action thirty (30) days before the effective date. Failure to so notify the commissioner shall cause the municipality to forfeit the revenue that it would have been entitled to receive during this period of time when the commissioner had no knowledge of the action.

(b) (i) Except as otherwise provided in subparagraph (ii) of this paragraph, if any funds have been erroneously disbursed to any municipality or any overpayment of tax is recovered by the taxpayer, the commissioner may make correction and adjust the error or overpayment with the municipality by

withholding the necessary funds from any later payment to be made to the municipality.

(ii) Subject to the provisions of Sections 27-65-51 and 27-65-53, if any funds have been erroneously disbursed to a municipality under subsection (1) of this section for a period of three (3) years or more, the maximum amount that may be recovered or withheld from the municipality is the total amount of funds erroneously disbursed for a period of three (3) years beginning with the date of the first erroneous disbursement. However, if during such period, a municipality provides written notice to the Department of Revenue indicating the erroneous disbursement of funds, then the maximum amount that may be recovered or withheld from the municipality is the total amount of funds erroneously disbursed for a period of one (1) year beginning with the date of the first erroneous disbursement.

SECTION 5. Sections 1, 2 and 3 of this act shall take effect and be in force from and after its passage and Section 4 of this act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1179

Description: William F. Winter and Jack Reed, Sr., Teacher Loan Repayment Program; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Education; Appropriations
2	01/28	(H) DR - TSDP: ED To AP
3	02/02	(H) DR - TSDP: AP To ED
4	02/02	(H) Title Suff Do Pass
5	02/10	(H) Passed {Vote}
6	02/11	(H) Transmitted To Senate
7	02/16	(S) Referred To Education; Appropriations
8	03/02	(S) DR - TSDPAA: ED To AP
9	03/02	(S) Title Suff Do Pass As Amended
10	03/09	(S) Amended
11	03/09	(S) Passed As Amended {Vote}
12	03/10	(S) Returned For Concurrence
13	03/18	(H) Decline to Concur/Invite Conf
14	03/23	(H) Conferees Named Bennett,McCarty,Felsher
15	03/23	(S) Conferees Named DeBar,Blount,McMahan
16	03/27	(S) Conference Report Filed
17	03/27	(H) Conference Report Filed
18	03/28	(H) Conference Report Adopted {Vote}
19	03/28	(S) Conference Report Adopted {Vote}
20	03/30	(H) Enrolled Bill Signed
21	03/30	(S) Enrolled Bill Signed
22	04/16	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1179

Conference Reports:
Conference Report

Code Section: RP 037-0106-0035, RP 037-0106-0037, RP 037-0106-0057, RP 037-0106-0077, RP 037-0106-0079

----- Additional Information -----

House Committee: Education, Appropriations
Senate Committee: Education, Appropriations

Principal Author: McCarty
Additional Authors: Owen, McLean, Summers, Gibbs (72nd), Hudson, Anthony, Stamps

Title: AN ACT TO CODIFY NEW SECTION 37-106-36, MISSISSIPPI CODE OF 1972, TO CREATE THE "WILLIAM F. WINTER AND JACK REED, SR., TEACHER LOAN REPAYMENT PROGRAM" TO BE ADMINISTERED BY THE STATE FINANCIAL AID BOARD; TO PROVIDE FOR THE QUALIFICATIONS FOR APPLICANTS UNDER THE LOAN PROGRAM; TO ESTABLISH THE WILLIAM F. WINTER AND JACK REED, SR., LOAN REPAYMENT PROGRAM FUND; TO REPEAL SECTION 37-106-35, MISSISSIPPI CODE OF 1972, WHICH CREATES THE ASSISTANT TEACHER FORGIVABLE LOAN PROGRAM; TO REPEAL SECTION 37-106-37, MISSISSIPPI CODE OF 1972, WHICH CREATES THE TEACHER EDUCATION SCHOLARS FORGIVABLE LOAN PROGRAM; TO REPEAL SECTION 37-106-57, MISSISSIPPI CODE OF 1972, WHICH CREATES THE WILLIAM F. WINTER TEACHER FORGIVABLE LOAN PROGRAM; TO REPEAL SECTION 37-106-77, MISSISSIPPI CODE OF 1972, WHICH CREATES THE MISSISSIPPI TEACHING FELLOWS FORGIVABLE LOAN PROGRAM; TO REPEAL SECTION 37-106-79, MISSISSIPPI CODE OF 1972, WHICH CREATES THE TEACHER EDUCATION ALTERNATE ROUTE CERTIFICATION SCHOLARS PROGRAM; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives McCarty, Owen, McLean, Summers, Gibbs (72nd), Hudson, Anthony, Stamps

To: Education; Appropriations

HOUSE BILL NO. 1179
(As Sent to Governor)

AN ACT TO CODIFY NEW SECTION 37-106-36, MISSISSIPPI CODE OF 1972, TO CREATE THE "WILLIAM F. WINTER AND JACK REED, SR., TEACHER LOAN REPAYMENT PROGRAM" TO BE ADMINISTERED BY THE STATE FINANCIAL AID BOARD; TO PROVIDE FOR THE QUALIFICATIONS FOR APPLICANTS UNDER THE LOAN PROGRAM; TO ESTABLISH THE WILLIAM F. WINTER AND JACK REED, SR., LOAN REPAYMENT PROGRAM FUND; TO REPEAL SECTION 37-106-35, MISSISSIPPI CODE OF 1972, WHICH CREATES THE ASSISTANT TEACHER FORGIVABLE LOAN PROGRAM; TO REPEAL SECTION 37-106-37, MISSISSIPPI CODE OF 1972, WHICH CREATES THE TEACHER EDUCATION SCHOLARS FORGIVABLE LOAN PROGRAM; TO REPEAL SECTION 37-106-57, MISSISSIPPI CODE OF 1972, WHICH CREATES THE WILLIAM F. WINTER TEACHER FORGIVABLE LOAN PROGRAM; TO REPEAL SECTION 37-106-77, MISSISSIPPI CODE OF 1972, WHICH CREATES THE MISSISSIPPI TEACHING FELLOWS FORGIVABLE LOAN PROGRAM; TO REPEAL SECTION 37-106-79, MISSISSIPPI CODE OF 1972, WHICH CREATES THE TEACHER EDUCATION ALTERNATE ROUTE CERTIFICATION SCHOLARS PROGRAM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 37-106-36, Mississippi Code of 1972:

37-106-36. (1) There is established the "William F. Winter and Jack Reed, Sr., Teacher Loan Repayment Program."

(2) Subject to the availability of funds, an eligible applicant for an initial award must have:

(a) Graduated from a baccalaureate degree-granting institution of higher learning which is regionally accredited by the Southern Association of Colleges and Schools (SACS) or a comparable accreditation body;

(b) Signed a contract as a full-time first-year teacher in a public school district in Mississippi;

(c) Obtained a standard five-year license. Persons with emergency licenses shall not be eligible applicants; and

(d) Outstanding qualifying undergraduate educational loans, which may include the principal, interest and related expenses such as the required interest premium on the unpaid balances of government and commercial loans obtained by the recipient for undergraduate educational expense.

(3) Persons who have received funds from other forgivable loan programs established for teachers under Mississippi law, or who are presently in default or delinquent on any federal, state, local or commercial qualifying educational loan, shall not be eligible for this program.

(4) Initial recipients shall be selected on a first-come, first-served basis of all eligible applicants, which shall be limited to only one hundred fifty (150) individuals receiving scholarship funds. In the second and subsequent years of an applicant's continued eligibility, priority consideration shall first be given to renewal applicants. In any given year only one

hundred fifty (150) new applicants shall be eligible to receive funds under the program.

(5) Among first-time, first-year teacher recipients, priority consideration shall be given to persons who are teaching in a public school district designated as a geographical critical teacher shortage area by the State Board of Education.

(6) Awards for recipients who have signed a contract to teach in a public school district that is not designated as a geographical critical teacher shortage area shall be as follows:

(a) One Thousand Five Hundred Dollars ($1,500.00) for the first year of teaching;

(b) Two Thousand Five Hundred Dollars ($2,500.00) for the second year of teaching; and

(c) Three Thousand Five Hundred Dollars ($3,500.00) for the third year of teaching.

(7) Awards for recipients who have signed a contract to teach in a public school district that is designated as a geographical critical teacher shortage area shall be as follows:

(a) Four Thousand Dollars ($4,000.00) for the first year of teaching;

(b) Five Thousand Dollars ($5,000.00) for the second year of teaching, provided the recipient continues to teach in the same public school district or another public school district designated a geographical shortage area by the State Board of Education; and

(c) Six Thousand Dollars ($6,000.00) for the third year of teaching, provided the recipient continues to teach in the same public school district or another public school district designated a geographical shortage area by the State Board of Education.

(8) A first-year recipient who moves to another public school district shall be eligible to receive an award based on the amount allowed under the program in the new district where the teacher is employed.

(9) Awards shall be granted on a year-to-year basis, and recipients shall have no obligation to seek a future award.

(10) Awards shall be paid annually, after the expiration of the one-year teaching contract for which the award was granted, to the recipient's lender or loan service provider, and shall be applied to the outstanding balance. Monies paid on the recipient's behalf toward qualifying undergraduate educational loans prior to receiving payment of the award shall not be eligible for repayment through the program.

(11) During the teaching year for which the award is granted, a recipient must at all times keep the State Financial Aid Board informed of any changes to the recipient's current contact information and employment status.

(12) Recipients who fail to maintain a standard license or fail to fulfill the one-year teaching contract on which the award was based shall forfeit any right to the award.

(13) The State Financial Aid Board, in collaboration with the State Board of Education, shall track recipients of an award under this program through their fifth teaching year, unless the recipient shall leave teaching in a public school district at an earlier date. Data collected shall include recipients' undergraduate institution, school district, subject area/grade level in teaching and any other pertinent information necessary to determine the efficacy of the program in retaining teachers in their first three (3) years of teaching.

(14) The State Financial Aid Board shall promulgate regulations necessary for the proper administration of this section.

(15) There is established in the State Treasury a special fund to be designated the "William F. Winter and Jack Reed, Sr., Loan Repayment Program Fund," into which shall be deposited those funds appropriated by the Legislature, and any other funds that may be made available, for the purpose of implementing the loan repayment program established herein. Money in the fund at the end of the fiscal year shall not lapse into the General Fund, and interest earned on any amounts deposited into the fund shall be credited to the special fund.

(16) This section shall stand repealed on July 1, 2024.

SECTION 2. Section 37-106-35, Mississippi Code of 1972, which creates the Assistant Teacher Forgivable Loan Program, is repealed.

SECTION 3. Section 37-106-37, Mississippi Code of 1972, which creates the Teacher Education Scholars Forgivable Loan Program, is repealed.

SECTION 4. Section 37-106-57, Mississippi Code of 1972, which creates the William F. Winter Teacher Forgivable Loan Program, is repealed.

SECTION 5. Section 37-106-77, Mississippi Code of 1972, which creates the Mississippi Teaching Fellows Forgivable Loan Program, is repealed.

SECTION 6. Section 37-106-79, Mississippi Code of 1972, which creates the Teacher Education Alternate Route Certification Scholars Program, is repealed.

SECTION 7. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1197

Description: Dual-phase design-build method of construction contracting; revise certain provisions of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/18	(H)	Referred To Ways and Means
2	01/27	(H)	Title Suff Do Pass
3	02/03	(H)	Amended
4	02/03	(H)	Passed As Amended {Vote}
5	02/04	(H)	Transmitted To Senate
6	02/18	(S)	Referred To Finance; Accountability, Efficiency, Transparency
7	03/02	(S)	DR - TSDPAA: FI To AC
8	03/02	(S)	Title Suff Do Pass As Amended
9	03/10	(S)	Amended
10	03/10	(S)	Passed As Amended {Vote}
11	03/11	(S)	Returned For Concurrence
12	03/17	(H)	Decline to Concur/Invite Conf
13	03/23	(H)	Conferees Named Lamar,Steverson,Massengill
14	03/24	(S)	Conferees Named Harkins,Thompson,Caughman
15	03/29	(S)	Conference Report Filed
16	03/29	(H)	Conference Report Filed
17	03/30	(S)	Conference Report Adopted {Vote}
18	03/30	(H)	Conference Report Adopted {Vote}
19	04/01	(H)	Enrolled Bill Signed
20	04/01	(S)	Enrolled Bill Signed
21	04/16		Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote

Amendment Report for House Bill No. 1197
Conference Reports:
| Conference Report

Code Section: A 031-0007-0013.1, A 031-0011-0003, A 061-0003-0015, A 031-0007-0013

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance, Accountability, Efficiency, Transparency

Principal Author: Lamar

Title: AN ACT TO AMEND SECTION 31-7-13.1, MISSISSIPPI CODE OF 1972, TO REVISE THE DUAL-PHASE DESIGN-BUILD METHOD OF CONSTRUCTION CONTRACTING; TO REMOVE THE REQUIREMENT FOR TWO PHASES OF DESIGN-BUILD CONSTRUCTION CONTRACTING; TO PROVIDE THAT DESIGN-BUILD CONSTRUCTION CONTRACTING MAY BE USED FOR RESIDENTIAL BUILDINGS, RESIDENTIAL-MIXED USED DEVELOPMENTS, PARKING GARAGES AND OTHER PRESCRIPTIVE TYPE FACILITIES; TO PROVIDE THAT THE DESIGN-BUILD METHOD OF CONSTRUCTION CONTRACTING MAY ONLY BE USED WHEN THE DEPARTMENT OF FINANCE AND ADMINISTRATION OR A GOVERNING AUTHORITY HAS DETERMINED THAT USING THE DESIGN-BUILD METHOD OF CONSTRUCTION CONTRACTING SATISFIES THE PUBLIC INTEREST BETTER THAN TRADITIONAL DESIGN BID OR WHEN THE LEGISLATURE HAS SPECIFICALLY REQUIRED OR AUTHORIZED THE USE OF THIS METHOD IN THE LEGISLATION AUTHORIZING A PROJECT; TO PROVIDE THAT INSTEAD OF THE DUAL-PHASE PROCEDURE FOR AWARDING A CONTRACT, FOR EACH PROPOSED DESIGN-BUILD PROJECT, EITHER A FIXED FIRM PRICE OR GUARANTEED MAXIMUM PRICE CONTRACT MUST BE ADOPTED; TO REVISE WHAT MUST BE INCLUDED IN THE WORK STATEMENT; TO PROVIDE THAT NOTICE SHALL ALSO BE POSTED ON THE MISSISSIPPI PROCUREMENT PORTAL; TO PROVIDE THAT PROPOSALS WHICH INCLUDE CRITERIA OTHER THAN COST ONLY SHALL BE EVALUATED BY AN EVALUATION COMMITTEE ESTABLISHED BY THE PROCURING ENTITY; TO PROVIDE THE MAKEUP OF THE EVALUATION COMMITTEE AND THE SELECTION CRITERIA THAT THE EVALUATION COMMITTEE SHALL CONSIDER WHEN EVALUATING SUBMITTED PROPOSALS; TO PROVIDE THAT AN AGENCY OR GOVERNING AUTHORITY MAY NOT AWARD A STIPULATED FEE TO AN OFFEROR FOR PREPARATION COSTS TO SUBMIT A RESPONSE TO THE REQUEST FOR PROPOSALS; TO AMEND SECTIONS 31-11-3, 61-3-15 AND 31-7-13, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Lamar To: Ways and Means

HOUSE BILL NO. 1197
(As Sent to Governor)

AN ACT TO AMEND SECTION 31-7-13.1, MISSISSIPPI CODE OF 1972, TO REVISE THE DUAL-PHASE DESIGN-BUILD METHOD OF CONSTRUCTION CONTRACTING; TO REMOVE THE REQUIREMENT FOR TWO PHASES OF DESIGN-BUILD CONSTRUCTION CONTRACTING; TO PROVIDE THAT DESIGN-BUILD CONSTRUCTION CONTRACTING MAY BE USED FOR RESIDENTIAL BUILDINGS, RESIDENTIAL-MIXED USED DEVELOPMENTS, PARKING GARAGES AND OTHER PRESCRIPTIVE TYPE FACILITIES; TO PROVIDE THAT THE DESIGN-BUILD METHOD OF CONSTRUCTION CONTRACTING MAY ONLY BE USED WHEN THE DEPARTMENT OF FINANCE AND ADMINISTRATION OR A GOVERNING AUTHORITY HAS DETERMINED THAT USING THE DESIGN-BUILD METHOD OF CONSTRUCTION CONTRACTING SATISFIES THE PUBLIC INTEREST BETTER THAN TRADITIONAL DESIGN BID OR WHEN THE LEGISLATURE HAS SPECIFICALLY REQUIRED OR AUTHORIZED THE USE OF THIS METHOD IN THE LEGISLATION AUTHORIZING A PROJECT; TO PROVIDE THAT INSTEAD OF THE DUAL-PHASE PROCEDURE FOR AWARDING A CONTRACT, FOR EACH PROPOSED DESIGN-BUILD PROJECT, EITHER A FIXED FIRM PRICE OR GUARANTEED MAXIMUM PRICE CONTRACT MUST BE ADOPTED; TO REVISE WHAT MUST BE INCLUDED IN THE WORK STATEMENT; TO PROVIDE THAT NOTICE SHALL ALSO BE POSTED ON THE MISSISSIPPI PROCUREMENT PORTAL; TO PROVIDE THAT PROPOSALS WHICH INCLUDE CRITERIA OTHER THAN COST ONLY SHALL BE EVALUATED BY AN EVALUATION COMMITTEE ESTABLISHED BY THE PROCURING ENTITY; TO PROVIDE THE MAKEUP OF THE EVALUATION COMMITTEE AND THE SELECTION CRITERIA THAT THE EVALUATION COMMITTEE SHALL CONSIDER WHEN EVALUATING SUBMITTED PROPOSALS; TO PROVIDE THAT AN AGENCY OR GOVERNING AUTHORITY MAY NOT AWARD A STIPULATED FEE TO AN OFFEROR FOR PREPARATION COSTS TO SUBMIT A RESPONSE TO THE REQUEST FOR PROPOSALS; TO AMEND SECTIONS 31-11-3, 61-3-15 AND 31-7-13, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 31-7-13.1, Mississippi Code of 1972, is amended as follows:

31-7-13.1. (1) The method of contracting for construction described in this section shall be known as the " * * * design-build method" of construction contracting. This method of construction contracting may be used * * * on residential buildings, residential mixed-use developments, parking garages and other prescriptive type facilities. The design-build method of construction contracting may only be used when the Department of Finance and Administration or a governing authority has determined that it satisfies the public interest better than traditional design-bid or when the Legislature has specifically required or authorized the use of this method in the legislation authorizing a project. At a minimum, the determination must include a detailed explanation of why using the * * * design-build method for a particular project satisfies the public need better than the traditional design-bid-build method based on the following criteria:

(a) The project provides a savings in time or cost over traditional methods; and

(b) The size and type of the project is suitable for design-build.

(2) For each proposed * * * design-build project, either a * * * fixed firm price or guaranteed maximum price contract must be adopted. * * * Before solicitation of * * * proposals, the

agency or governing authority shall develop * * * a scope of work statement that provides prospective offerors with sufficient information regarding the requirements of the agency or governing authority. The scope of work statement must include, but is not limited to, the following information:

(a) * * * Location and nature of proposed site(s) that include preliminary geotechnical information from borings as well as survey drawings that show topography, adjacent buildings and utilities;

(b) * * * Any mandatory requirements such as minimum number and types of spaces, any minimum or maximum building area(s) or height(s), applicable energy codes and/or efficiency targets, applicable zoning regulations and any aesthetic or character defining standards;

(c) * * * Any mandatory material and/or system performance requirements and/or specifications; and

(d) * * * General budget parameters, schedule or delivery requirements, relevant criteria for evaluation of proposals, and any other information necessary to enable the design-builders to submit proposals that meet the needs of the agency or governing authority.

(3) The agency or governing authority shall cause to be published once a week, for at least two (2) consecutive weeks in a regular newspaper published in the county in which the project is to be located, or a newspaper with statewide circulation, a notice

inviting proposals for the * * * design-build construction project. On the same date that the notice is submitted to the newspaper for publication, the agency or governing authority involved shall post the notice on the Mississippi Procurement Portal or mail written notice to, or provide electronic notification to, the main office of the Mississippi Procurement Technical Assistance Program under the Mississippi Development Authority that contains the same information as that in the published notice. The proposals shall not be opened in less than fifteen (15) working days after the last notice is published. The notice must inform potential offerors of how to obtain the scope of work statement developed for the project, and the notice must contain such other information to describe adequately the general nature and scope of the project so as to promote full, equal and open competition.

(4) The agency or governing authority shall accept initial proposals only from entities able to provide an experienced and qualified design-build team that includes, at a minimum, an architectural or engineering firm licensed and registered in Mississippi and a contractor properly licensed and domiciled in Mississippi for the type of work required. * * *

(5) * * * Proposals that include criteria other than cost only shall be evaluated by an evaluation committee established by the procuring entity. The evaluation committee shall be composed of not less than three (3) people, at least one (1) of which shall

be an architect or engineer licensed and registered in Mississippi. Selection criteria of the evaluation committee shall be limited to the following:

(a) The bidder's knowledge and experience in executing projects of similar size and complexity;

(b) The experience and qualifications of the proposed office and construction management personnel;

(c) The experience and qualifications of the subcontractors proposed;

(d) The experience and qualifications of the architect or engineer and consultants;

(e) Schedule control; and

(f) Cost factors.

Cost as an evaluation factor shall be given the highest criteria weighting and at least thirty-five percent (35%) out of the one hundred percent (100%) total weight of all the other evaluation factors.

(6) If the agency or governing authority accepts a proposal other than the * * * proposal with the lowest costs that was actually submitted, the agency or governing authority shall enter on its minutes detailed calculations and a narrative summary showing why the accepted proposal was determined to provide the best value, and the agency or governing authority shall state specifically on its minutes the justification for its award.

(7) All facilities that are governed by this section shall be designed and constructed to comply with standards equal to or exceeding the minimum building code standards employed by the state as required under Section 31-11-33 in force at the time of contracting. All private contractors or private entities contracting or performing under this section must comply at all times with all applicable laws, codes and other legal requirements pertaining to the project.

(8) * * * An agency or governing authority may not award a stipulated fee * * * to an offeror for preparation costs to submit a response to the request for proposals.

(9) This section shall not authorize the awarding of construction contracts according to any contracting method that does not require the contractor to satisfactorily perform, at a minimum, both any balance of design, using an independent professional licensed in Mississippi, and construction of the project for which the contract is awarded.

(10) The provisions of this section shall not affect any procurement by the Mississippi Transportation Commission.

(11) The provisions of this section shall not apply to procurement authorized in Section 59-5-37(3).

SECTION 2. Section 31-11-3, Mississippi Code of 1972, as amended by House Bill No. 82, 2021 Regular Session, is amended as follows:

31-11-3. (1) The Department of Finance and Administration, for the purposes of carrying out the provisions of this chapter, in addition to all other rights and powers granted by law, shall have full power and authority to employ and compensate architects or other employees necessary for the purpose of making inspections, preparing plans and specifications, supervising the erection of any buildings, and making any repairs or additions as may be determined by the Department of Finance and Administration to be necessary, pursuant to the rules and regulations of the State Personnel Board. The department shall have entire control and supervision of, and determine what, if any, buildings, additions, repairs, demolitions or improvements are to be made under the provisions of this chapter, subject to the regulations adopted by the Public Procurement Review Board.

(2) The department shall have full power to erect buildings, make repairs, additions or improvements, demolitions, to grant or acquire easements or rights-of-way, and to buy materials, supplies and equipment for any of the institutions or departments of the state subject to the regulations adopted by the Public Procurement Review Board. In addition to other powers conferred, the department shall have full power and authority, as directed by the Legislature, or when funds have been appropriated for its use for these purposes, to:

(a) Build a state office building;

(b) Build suitable plants or buildings for the use and housing of any state schools or institutions, including the building of plants or buildings for new state schools or institutions, as provided for by the Legislature;

(c) Provide state aid for the construction of school buildings;

(d) Promote and develop the training of returned veterans of the United States in all sorts of educational and vocational learning to be supplied by the proper educational institution of the State of Mississippi, and in so doing allocate monies appropriated to it for these purposes to the Governor for use by him in setting up, maintaining and operating an office and employing a state director of on-the-job training for veterans and the personnel necessary in carrying out Public Law No. 346 of the United States;

(e) Build and equip a hospital and administration building at the Mississippi State Penitentiary;

(f) Build and equip additional buildings and wards at the Boswell Retardation Center;

(g) Construct a sewage disposal and treatment plant at the Mississippi State Hospital, and in so doing acquire additional land as may be necessary, and to exercise the right of eminent domain in the acquisition of this land;

(h) Build and equip the Mississippi central market and purchase or acquire by eminent domain, if necessary, any lands needed for this purpose;

(i) Build and equip suitable facilities for a training and employing center for the blind;

(j) Build and equip a gymnasium at Columbia Training School;

(k) Approve or disapprove the expenditure of any money appropriated by the Legislature when authorized by the bill making the appropriation;

(l) Expend monies appropriated to it in paying the state's part of the cost of any street paving;

(m) Sell and convey state lands when authorized by the Legislature, cause said lands to be properly surveyed and platted, execute all deeds or other legal instruments, and do any and all other things required to effectively carry out the purpose and intent of the Legislature. Any transaction which involves state lands under the provisions of this paragraph shall be done in a manner consistent with the provisions of Section 29-1-1;

(n) Collect and receive from educational institutions of the State of Mississippi monies required to be paid by these institutions to the state in carrying out any veterans' educational programs;

(o) Purchase lands for building sites, or as additions to building sites, for the erection of buildings and other

facilities which the department is authorized to erect, and demolish and dispose of old buildings, when necessary for the proper construction of new buildings. Any transaction which involves state lands under the provisions of this paragraph shall be done in a manner consistent with the provisions of Section 29-1-1;

(p) Obtain business property insurance with a deductible of not less than One Hundred Thousand Dollars ($100,000.00) on state-owned buildings under the management and control of the department; and

(q) In consultation with and approval by the Chairmen of the Public Property Committees of the Senate and the House of Representatives, enter into contracts for the purpose of providing parking spaces for state employees who work in the Woolfolk Building, the Carroll Gartin Justice Building or the Walter Sillers Office Building.

(r) The department is hereby authorized to transfer up to One Million Dollars ($1,000,000.00) of available bond funds to each community college requesting to be exempt from department control and supervision relating to the repair, renovation and improvement of existing facilities owned by the community colleges, including utility infrastructure projects; heating and air conditioning systems; and the replacement of furniture and equipment. The community colleges shall abide by all applicable

statutes related to the purchase of the repair, renovation and improvement of such existing facilities.

(3) The department shall survey state-owned and state-utilized buildings to establish an estimate of the costs of architectural alterations, pursuant to the Americans With Disabilities Act of 1990, 42 USCS, Section 12111 et seq. The department shall establish priorities for making the identified architectural alterations and shall make known to the Legislative Budget Office and to the Legislature the required cost to effectuate such alterations. To meet the requirements of this section, the department shall use standards of accessibility that are at least as stringent as any applicable federal requirements and may consider:

(a) Federal minimum guidelines and requirements issued by the United States Architectural and Transportation Barriers Compliance Board and standards issued by other federal agencies;

(b) The criteria contained in the American Standard Specifications for Making Buildings Accessible and Usable by the Physically Handicapped and any amendments thereto as approved by the American Standards Association, Incorporated (ANSI Standards);

(c) Design manuals;

(d) Applicable federal guidelines;

(e) Current literature in the field;

(f) Applicable safety standards; and

(g) Any applicable environmental impact statements.

(4) The department shall observe the provisions of Section 31-5-23 in letting contracts and shall use Mississippi products, including paint, varnish and lacquer which contain as vehicles tung oil and either ester gum or modified resin (with rosin as the principal base of constituents), and turpentine shall be used as a solvent or thinner, where these products are available at a cost not to exceed the cost of products grown, produced, prepared, made or manufactured outside of the State of Mississippi.

(5) The department shall have authority to accept grants, loans or donations from the United States government or from any other sources for the purpose of matching funds in carrying out the provisions of this chapter.

(6) The department shall build a wheelchair ramp at the War Memorial Building which complies with all applicable federal laws, regulations and specifications regarding wheelchair ramps.

(7) The department shall review and preapprove all architectural or engineering service contracts entered into by any state agency, institution, commission, board or authority, regardless of the source of funding used to defray the costs of the construction or renovation project, for which services are to be obtained to ensure compliance with purchasing regulations and to confirm that the contracts are procured by a competitive qualification-based selection process except where such appointment is for an emergency project or for a continuation of a

previous appointment for a directly related project. The provisions of this subsection (7) shall not apply to:

(a) Any architectural or engineering contract fully paid for by self-generated funds of any of the state institutions of higher learning;

(b) Any architectural or engineering contract that is self-administered at a state institution of higher learning as provided under Section 27-104-7(2)(b) or 37-101-15(m);

(c) Community college projects that are fully funded from local funds or other nonstate sources which are outside the Department of Finance and Administration's appropriations or as directed by the Legislature;

(d) Any construction or design projects of the State Military Department that are fully or partially funded from federal funds or other nonstate sources; and

(e) Any project of the State Department of Transportation.

(8) (a) The department shall have the authority to obtain annually from the state institutions of higher learning, the state community colleges and junior colleges, the Department of Mental Health, the Department of Corrections and the Department of Wildlife, Fisheries and Parks information on all renovation and repair expenditures for buildings under their operation and control, including duties, responsibilities and costs of any architect or engineer hired by any such institutions, and shall

annually report the same to the Legislative Budget Office, the Chairman of the House Public Property Committee and the Chairman of the Senate Public Property Committee before September 1.

(b) All state agencies, departments and institutions are required to cooperate with the Department of Finance and Administration in carrying out the provisions of this subsection.

(c) Expenditures shall not include those amounts expended for janitorial, landscaping or administrative support, but shall include expenditures from both state and nonstate sources.

(d) Expenditures shall not include amounts expended by the department on behalf of state agencies, departments and institutions through the Department of Finance and Administration administered contracts, but shall include amounts transferred to the Department of Finance and Administration for support of such contracts.

(9) As an alternative to other methods of awarding contracts as prescribed by law, the department may elect to use the method of contracting for construction projects set out in Sections 31-7-13.1 and 31-7-13.2; however, the * * * design-build method of construction contracting authorized under Section 31-7-13.1 may be used only when the Legislature has specifically required or authorized the use of this method in the legislation authorizing a project.

(10) The department shall have the authority, for the purposes of carrying out the provisions of this chapter, and in addition to all other rights and powers granted by law, to create and maintain a list of suspended and debarred contractors and subcontractors. Consistent with this authority, the department may adopt regulations governing the suspension or debarment of contractors and subcontractors, which regulations shall be subject to the approval of the Public Procurement Review Board. A suspended or debarred contractor or subcontractor shall be disqualified from consideration for contracts with the department during the suspension or debarment period in accordance with the department's regulations.

(11) This section shall not apply to the Mississippi State Port Authority.

SECTION 3. Section 61-3-15, Mississippi Code of 1972, is amended as follows:

61-3-15. An authority shall have all the powers necessary or convenient to carry out the purposes of this chapter (excluding the power to levy and collect taxes or special assessments) including, but not limited to, the power:

(a) To sue and be sued, to have a seal and to have perpetual succession.

(b) To purchase general liability insurance coverage, including errors and omissions insurance, for its officials and employees.

(c) To employ an executive director, secretary, technical experts, and such other officers, agents and employees, permanent and temporary, as it may require, and to determine their qualifications and duties, and to establish compensation and other employment benefits as may be advisable to attract and retain proficient personnel.

(d) To execute such contracts and other instruments and take such other action as may be necessary or convenient to carry out the purposes of this chapter.

(e) To plan, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate and protect airports and air navigation facilities within this state and within any adjoining state, including the acquisition, lease, lease-purchase, construction, installation, equipment, maintenance and operation of such airports or buildings, equipment and other facilities or other property for the servicing of aircraft or for the comfort and accommodation of air travelers or for any other purpose deemed by the authority to be necessary to carry out its duties; to develop, operate, manage or own and maintain intermodal facilities to serve air and surface cargo and multimodal facilities to serve highway and rail passenger transportation needs to ensure interface and interaction between modes for cargo and passengers; to construct, improve, and maintain means of ingress and egress to airport properties from and over off-airport sites with approval of the city or county in which the off-airport site is located; to

market, promote and advertise airport properties, goods and services; and to directly purchase and sell supplies, goods and commodities incident to the operation of its airport properties without having to make purchases thereof through the municipal governing authorities, and with the authority to utilize * * * design-build and construction manager at-risk methods of construction in accordance with Sections 31-7-13.1 and 31-7-13.2. For all the previously stated purposes, an authority may, by purchase, gift, devise, lease, eminent domain proceedings or otherwise, acquire property, real or personal, or any interest therein, including easements in airport hazards or land outside the boundaries of an airport or airport site, as are necessary to permit the removal, elimination, obstruction-marking or obstruction-lighting of airport hazards, to prevent the establishment of airport hazards or to carry out its duties.

(f) To acquire, by purchase, gift, devise, lease, lease-purchase, eminent domain proceedings or otherwise, existing airports and air navigation facilities. However, an authority shall not acquire or take over any airport or air navigation facility owned or controlled by another authority, a municipality or public agency of this or any other state without the consent of such authority, municipality or public agency.

(g) To establish or acquire and maintain airports in, over and upon any public waters of this state, and any submerged lands under such public waters, and to construct and maintain

terminal buildings, landing floats, causeways, roadways and bridges for approaches to or connecting with any such airport, and landing floats and breakwaters for the protection thereof.

(h) To establish, enact and enforce ordinances, rules, regulations and standards for public safety, aviation safety, airport operations and the preservation of good order and peace of the authority; to prevent injury to, destruction of or interference with public or private property; to protect property, health and lives and to enhance the general welfare of the authority by restricting the movements of citizens or any group thereof on the property of the authority when there is imminent danger to the public safety because of freedom of movement thereof; to regulate the entrances to property and buildings of the authority and the way of ingress and egress to and from the same; to establish fire limits and to hire firemen, including aircraft fire and rescue and similar personnel, and to establish and equip a fire department to provide fire and other emergency services on any property of the authority; to regulate, restrain or prohibit construction failing to meet standards established by the authority; to appoint and discharge police officers with jurisdiction limited to property of the airport authority and authorization to enforce the ordinances, rules and regulations of the authority, as well as the laws of the State of Mississippi, and to issue citations for infractions of all of such ordinances,

rules, regulations, standards and laws of the State of Mississippi returnable to the court of appropriate jurisdiction.

(i) To develop and operate an industrial park or parks and exercise all authority provided for under Chapter 7, Title 57, Mississippi Code of 1972.

(j) To attach, pursuant to the power and procedure set forth in Chapter 33, Title 11, Mississippi Code of 1972, the equipment of debtors of the authority.

(k) To enter into agreements with local governments pursuant to Section 17-13-1 et seq.

(l) To render emergency assistance to other airports within the United States at an aggregate cost of less than Twenty Thousand Dollars ($20,000.00) per emergency. The assistance authorized in this paragraph must be rendered within ninety (90) days after a state of emergency has been declared by the federal government, or by the local or state government that has jurisdiction over the area where the airport needing assistance is located.

(m) To enter into joint use or similar agreements with any department or agency of the United States of America or the State of Mississippi, including any military department of the United States of America or the State of Mississippi, with respect to the use and operation of, or services provided at, any airport or other property of the authority on the terms and conditions as the authority may deem appropriate, including provisions limiting

the liability of the United States of America or the State of Mississippi for loss or damage to the authority if the authority determines that the limitation of liability is reasonable, necessary and appropriate under the circumstances.

(n) To enter into mutual aid agreements with counties and municipalities for reciprocal emergency aid and assistance in case of emergencies too extensive to be dealt with unassisted; to participate in the Statewide Mutual Aid Compact (SMAC) in accordance with Section 33-15-19.

SECTION 4. Section 31-7-13, Mississippi Code of 1972, is amended as follows:

31-7-13. All agencies and governing authorities shall purchase their commodities and printing; contract for garbage collection or disposal; contract for solid waste collection or disposal; contract for sewage collection or disposal; contract for public construction; and contract for rentals as herein provided.

(a) **Bidding procedure for purchases not over $5,000.00.** Purchases which do not involve an expenditure of more than Five Thousand Dollars ($5,000.00), exclusive of freight or shipping charges, may be made without advertising or otherwise requesting competitive bids. However, nothing contained in this paragraph (a) shall be construed to prohibit any agency or governing authority from establishing procedures which require competitive bids on purchases of Five Thousand Dollars ($5,000.00) or less.

(b) **Bidding procedure for purchases over $5,000.00 but not over $50,000.00.** Purchases which involve an expenditure of more than Five Thousand Dollars ($5,000.00) but not more than Fifty Thousand Dollars ($50,000.00), exclusive of freight and shipping charges, may be made from the lowest and best bidder without publishing or posting advertisement for bids, provided at least two (2) competitive written bids have been obtained. Any state agency or community/junior college purchasing commodities or procuring construction pursuant to this paragraph (b) may authorize its purchasing agent, or his designee, to accept the lowest competitive written bid under Fifty Thousand Dollars ($50,000.00). Any governing authority purchasing commodities pursuant to this paragraph (b) may authorize its purchasing agent, or his designee, with regard to governing authorities other than counties, or its purchase clerk, or his designee, with regard to counties, to accept the lowest and best competitive written bid. Such authorization shall be made in writing by the governing authority and shall be maintained on file in the primary office of the agency and recorded in the official minutes of the governing authority, as appropriate. The purchasing agent or the purchase clerk, or their designee, as the case may be, and not the governing authority, shall be liable for any penalties and/or damages as may be imposed by law for any act or omission of the purchasing agent or purchase clerk, or their designee, constituting a violation of law in accepting any bid without

approval by the governing authority. The term "competitive written bid" shall mean a bid submitted on a bid form furnished by the buying agency or governing authority and signed by authorized personnel representing the vendor, or a bid submitted on a vendor's letterhead or identifiable bid form and signed by authorized personnel representing the vendor. "Competitive" shall mean that the bids are developed based upon comparable identification of the needs and are developed independently and without knowledge of other bids or prospective bids. Any bid item for construction in excess of Five Thousand Dollars ($5,000.00) shall be broken down by components to provide detail of component description and pricing. These details shall be submitted with the written bids and become part of the bid evaluation criteria. Bids may be submitted by facsimile, electronic mail or other generally accepted method of information distribution. Bids submitted by electronic transmission shall not require the signature of the vendor's representative unless required by agencies or governing authorities.

(c) **Bidding procedure for purchases over $50,000.00.**

(i) **Publication requirement.**

1. Purchases which involve an expenditure of more than Fifty Thousand Dollars ($50,000.00), exclusive of freight and shipping charges, may be made from the lowest and best bidder after advertising for competitive bids once each week for two (2) consecutive weeks in a regular newspaper published in the

county or municipality in which such agency or governing authority is located. However, all American Recovery and Reinvestment Act projects in excess of Twenty-five Thousand Dollars ($25,000.00) shall be bid. All references to American Recovery and Reinvestment Act projects in this section shall not apply to programs identified in Division B of the American Recovery and Reinvestment Act.

2. Reverse auctions shall be the primary method for receiving bids during the bidding process. If a purchasing entity determines that a reverse auction is not in the best interest of the state, then that determination must be approved by the Public Procurement Review Board. The purchasing entity shall submit a detailed explanation of why a reverse auction would not be in the best interest of the state and present an alternative process to be approved by the Public Procurement Review Board. If the Public Procurement Review Board authorizes the purchasing entity to solicit bids with a method other than reverse auction, then the purchasing entity may designate the other methods by which the bids will be received, including, but not limited to, bids sealed in an envelope, bids received electronically in a secure system, or bids received by any other method that promotes open competition and has been approved by the Office of Purchasing and Travel. However, reverse auction shall not be used for any public contract for design or construction of public facilities, including buildings, roads and bridges. The

Public Procurement Review Board must approve any contract entered into by alternative process. The provisions of this item 2 shall not apply to the individual state institutions of higher learning.

3. The date as published for the bid opening shall not be less than seven (7) working days after the last published notice; however, if the purchase involves a construction project in which the estimated cost is in excess of Fifty Thousand Dollars ($50,000.00), such bids shall not be opened in less than fifteen (15) working days after the last notice is published and the notice for the purchase of such construction shall be published once each week for two (2) consecutive weeks. However, all American Recovery and Reinvestment Act projects in excess of Twenty-five Thousand Dollars ($25,000.00) shall be bid. For any projects in excess of Twenty-five Thousand Dollars ($25,000.00) under the American Recovery and Reinvestment Act, publication shall be made one (1) time and the bid opening for construction projects shall not be less than ten (10) working days after the date of the published notice. The notice of intention to let contracts or purchase equipment shall state the time and place at which bids shall be received, list the contracts to be made or types of equipment or supplies to be purchased, and, if all plans and/or specifications are not published, refer to the plans and/or specifications on file. If there is no newspaper published in the county or municipality, then such notice shall be given by posting same at the courthouse, or for municipalities at the city hall,

and at two (2) other public places in the county or municipality, and also by publication once each week for two (2) consecutive weeks in some newspaper having a general circulation in the county or municipality in the above-provided manner. On the same date that the notice is submitted to the newspaper for publication, the agency or governing authority involved shall mail written notice to, or provide electronic notification to the main office of the Mississippi Procurement Technical Assistance Program under the Mississippi Development Authority that contains the same information as that in the published notice. Submissions received by the Mississippi Procurement Technical Assistance Program for projects funded by the American Recovery and Reinvestment Act shall be displayed on a separate and unique Internet web page accessible to the public and maintained by the Mississippi Development Authority for the Mississippi Procurement Technical Assistance Program. Those American Recovery and Reinvestment Act related submissions shall be publicly posted within twenty-four (24) hours of receipt by the Mississippi Development Authority and the bid opening shall not occur until the submission has been posted for ten (10) consecutive days. The Department of Finance and Administration shall maintain information regarding contracts and other expenditures from the American Recovery and Reinvestment Act, on a unique Internet web page accessible to the public. The Department of Finance and Administration shall promulgate rules regarding format, content and deadlines, unless otherwise

specified by law, of the posting of award notices, contract execution and subsequent amendments, links to the contract documents, expenditures against the awarded contracts and general expenditures of funds from the American Recovery and Reinvestment Act. Within one (1) working day of the contract award, the agency or governing authority shall post to the designated web page maintained by the Department of Finance and Administration, notice of the award, including the award recipient, the contract amount, and a brief summary of the contract in accordance with rules promulgated by the department. Within one (1) working day of the contract execution, the agency or governing authority shall post to the designated web page maintained by the Department of Finance and Administration a summary of the executed contract and make a copy of the appropriately redacted contract documents available for linking to the designated web page in accordance with the rules promulgated by the department. The information provided by the agency or governing authority shall be posted to the web page for the duration of the American Recovery and Reinvestment Act funding or until the project is completed, whichever is longer.

(ii) **Bidding process amendment procedure.** If all plans and/or specifications are published in the notification, then the plans and/or specifications may not be amended. If all plans and/or specifications are not published in the notification, then amendments to the plans/specifications, bid opening date, bid opening time and place may be made, provided that the agency or

governing authority maintains a list of all prospective bidders who are known to have received a copy of the bid documents and all such prospective bidders are sent copies of all amendments. This notification of amendments may be made via mail, facsimile, electronic mail or other generally accepted method of information distribution. No addendum to bid specifications may be issued within two (2) working days of the time established for the receipt of bids unless such addendum also amends the bid opening to a date not less than five (5) working days after the date of the addendum.

(iii) **Filing requirement.** In all cases involving governing authorities, before the notice shall be published or posted, the plans or specifications for the construction or equipment being sought shall be filed with the clerk of the board of the governing authority. In addition to these requirements, a bid file shall be established which shall indicate those vendors to whom such solicitations and specifications were issued, and such file shall also contain such information as is pertinent to the bid.

(iv) **Specification restrictions.**

1. Specifications pertinent to such bidding shall be written so as not to exclude comparable equipment of domestic manufacture. However, if valid justification is presented, the Department of Finance and Administration or the board of a governing authority may approve a request for specific

equipment necessary to perform a specific job. Further, such justification, when placed on the minutes of the board of a governing authority, may serve as authority for that governing authority to write specifications to require a specific item of equipment needed to perform a specific job. In addition to these requirements, from and after July 1, 1990, vendors of relocatable classrooms and the specifications for the purchase of such relocatable classrooms published by local school boards shall meet all pertinent regulations of the State Board of Education, including prior approval of such bid by the State Department of Education.

2. Specifications for construction projects may include an allowance for commodities, equipment, furniture, construction materials or systems in which prospective bidders are instructed to include in their bids specified amounts for such items so long as the allowance items are acquired by the vendor in a commercially reasonable manner and approved by the agency/governing authority. Such acquisitions shall not be made to circumvent the public purchasing laws.

(v) **Electronic bids**. Agencies and governing authorities shall provide a secure electronic interactive system for the submittal of bids requiring competitive bidding that shall be an additional bidding option for those bidders who choose to submit their bids electronically. The Department of Finance and Administration shall provide, by regulation, the standards that

agencies must follow when receiving electronic bids. Agencies and governing authorities shall make the appropriate provisions necessary to accept electronic bids from those bidders who choose to submit their bids electronically for all purchases requiring competitive bidding under this section. Any special condition or requirement for the electronic bid submission shall be specified in the advertisement for bids required by this section. Agencies or governing authorities that are currently without available high speed Internet access shall be exempt from the requirement of this subparagraph (v) until such time that high speed Internet access becomes available. Any county having a population of less than twenty thousand (20,000) shall be exempt from the provisions of this subparagraph (v). Any municipality having a population of less than ten thousand (10,000) shall be exempt from the provisions of this subparagraph (v). The provisions of this subparagraph (v) shall not require any bidder to submit bids electronically. When construction bids are submitted electronically, the requirement for including a certificate of responsibility, or a statement that the bid enclosed does not exceed Fifty Thousand Dollars ($50,000.00), on the exterior of the bid envelope as indicated in Section 31-3-21(1) and (2) shall be deemed in compliance with by including same as an attachment with the electronic bid submittal.

(d) **Lowest and best bid decision procedure.**

(i) **Decision procedure.** Purchases may be made from the lowest and best bidder. In determining the lowest and best bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions and other relevant provisions may be included in the best bid calculation. All best bid procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. If any governing authority accepts a bid other than the lowest bid actually submitted, it shall place on its minutes detailed calculations and narrative summary showing that the accepted bid was determined to be the lowest and best bid, including the dollar amount of the accepted bid and the dollar amount of the lowest bid. No agency or governing authority shall accept a bid based on items not included in the specifications.

(ii) **Decision procedure for Certified Purchasing Offices.** In addition to the decision procedure set forth in subparagraph (i) of this paragraph (d), Certified Purchasing Offices may also use the following procedure: Purchases may be made from the bidder offering the best value. In determining the best value bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions, documented previous experience, training costs and other relevant provisions, including, but not limited to, a bidder having a local office and inventory located within

the jurisdiction of the governing authority, may be included in the best value calculation. This provision shall authorize Certified Purchasing Offices to utilize a Request For Proposals (RFP) process when purchasing commodities. All best value procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. No agency or governing authority shall accept a bid based on items or criteria not included in the specifications.

(iii) **Decision procedure for Mississippi Landmarks.** In addition to the decision procedure set forth in subparagraph (i) of this paragraph (d), where purchase involves renovation, restoration, or both, of the State Capitol Building or any other historical building designated for at least five (5) years as a Mississippi Landmark by the Board of Trustees of the Department of Archives and History under the authority of Sections 39-7-7 and 39-7-11, the agency or governing authority may use the following procedure: Purchases may be made from the lowest and best prequalified bidder. Prequalification of bidders shall be determined not less than fifteen (15) working days before the first published notice of bid opening. Prequalification criteria shall be limited to bidder's knowledge and experience in historical restoration, preservation and renovation. In determining the lowest and best bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions and other relevant

provisions may be included in the best bid calculation. All best bid and prequalification procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. If any governing authority accepts a bid other than the lowest bid actually submitted, it shall place on its minutes detailed calculations and narrative summary showing that the accepted bid was determined to be the lowest and best bid, including the dollar amount of the accepted bid and the dollar amount of the lowest bid. No agency or governing authority shall accept a bid based on items not included in the specifications.

(iv) **Construction project negotiations authority.** If the lowest and best bid is not more than ten percent (10%) above the amount of funds allocated for a public construction or renovation project, then the agency or governing authority shall be permitted to negotiate with the lowest bidder in order to enter into a contract for an amount not to exceed the funds allocated.

(e) **Lease-purchase authorization.** For the purposes of this section, the term "equipment" shall mean equipment, furniture and, if applicable, associated software and other applicable direct costs associated with the acquisition. Any lease-purchase of equipment which an agency is not required to lease-purchase under the master lease-purchase program pursuant to Section 31-7-10 and any lease-purchase of equipment which a governing authority elects to lease-purchase may be acquired by a

lease-purchase agreement under this paragraph (e). Lease-purchase financing may also be obtained from the vendor or from a third-party source after having solicited and obtained at least two (2) written competitive bids, as defined in paragraph (b) of this section, for such financing without advertising for such bids. Solicitation for the bids for financing may occur before or after acceptance of bids for the purchase of such equipment or, where no such bids for purchase are required, at any time before the purchase thereof. No such lease-purchase agreement shall be for an annual rate of interest which is greater than the overall maximum interest rate to maturity on general obligation indebtedness permitted under Section 75-17-101, and the term of such lease-purchase agreement shall not exceed the useful life of equipment covered thereby as determined according to the upper limit of the asset depreciation range (ADR) guidelines for the Class Life Asset Depreciation Range System established by the Internal Revenue Service pursuant to the United States Internal Revenue Code and regulations thereunder as in effect on December 31, 1980, or comparable depreciation guidelines with respect to any equipment not covered by ADR guidelines. Any lease-purchase agreement entered into pursuant to this paragraph (e) may contain any of the terms and conditions which a master lease-purchase agreement may contain under the provisions of Section 31-7-10(5), and shall contain an annual allocation dependency clause substantially similar to that set forth in Section 31-7-10(8).

Each agency or governing authority entering into a lease-purchase transaction pursuant to this paragraph (e) shall maintain with respect to each such lease-purchase transaction the same information as required to be maintained by the Department of Finance and Administration pursuant to Section 31-7-10(13). However, nothing contained in this section shall be construed to permit agencies to acquire items of equipment with a total acquisition cost in the aggregate of less than Ten Thousand Dollars ($10,000.00) by a single lease-purchase transaction. All equipment, and the purchase thereof by any lessor, acquired by lease-purchase under this paragraph and all lease-purchase payments with respect thereto shall be exempt from all Mississippi sales, use and ad valorem taxes. Interest paid on any lease-purchase agreement under this section shall be exempt from State of Mississippi income taxation.

(f) **Alternate bid authorization.** When necessary to ensure ready availability of commodities for public works and the timely completion of public projects, no more than two (2) alternate bids may be accepted by a governing authority for commodities. No purchases may be made through use of such alternate bids procedure unless the lowest and best bidder cannot deliver the commodities contained in his bid. In that event, purchases of such commodities may be made from one (1) of the bidders whose bid was accepted as an alternate.

(g) **Construction contract change authorization.** In the event a determination is made by an agency or governing authority after a construction contract is let that changes or modifications to the original contract are necessary or would better serve the purpose of the agency or the governing authority, such agency or governing authority may, in its discretion, order such changes pertaining to the construction that are necessary under the circumstances without the necessity of further public bids; provided that such change shall be made in a commercially reasonable manner and shall not be made to circumvent the public purchasing statutes. In addition to any other authorized person, the architect or engineer hired by an agency or governing authority with respect to any public construction contract shall have the authority, when granted by an agency or governing authority, to authorize changes or modifications to the original contract without the necessity of prior approval of the agency or governing authority when any such change or modification is less than one percent (1%) of the total contract amount. The agency or governing authority may limit the number, manner or frequency of such emergency changes or modifications.

(h) **Petroleum purchase alternative.** In addition to other methods of purchasing authorized in this chapter, when any agency or governing authority shall have a need for gas, diesel fuel, oils and/or other petroleum products in excess of the amount set forth in paragraph (a) of this section, such agency or

governing authority may purchase the commodity after having solicited and obtained at least two (2) competitive written bids, as defined in paragraph (b) of this section. If two (2) competitive written bids are not obtained, the entity shall comply with the procedures set forth in paragraph (c) of this section. In the event any agency or governing authority shall have advertised for bids for the purchase of gas, diesel fuel, oils and other petroleum products and coal and no acceptable bids can be obtained, such agency or governing authority is authorized and directed to enter into any negotiations necessary to secure the lowest and best contract available for the purchase of such commodities.

(i) **Road construction petroleum products price adjustment clause authorization.** Any agency or governing authority authorized to enter into contracts for the construction, maintenance, surfacing or repair of highways, roads or streets, may include in its bid proposal and contract documents a price adjustment clause with relation to the cost to the contractor, including taxes, based upon an industry-wide cost index, of petroleum products including asphalt used in the performance or execution of the contract or in the production or manufacture of materials for use in such performance. Such industry-wide index shall be established and published monthly by the Mississippi Department of Transportation with a copy thereof to be mailed, upon request, to the clerks of the governing authority of each

municipality and the clerks of each board of supervisors throughout the state. The price adjustment clause shall be based on the cost of such petroleum products only and shall not include any additional profit or overhead as part of the adjustment. The bid proposals or document contract shall contain the basis and methods of adjusting unit prices for the change in the cost of such petroleum products.

(j) **State agency emergency purchase procedure.** If the governing board or the executive head, or his designees, of any agency of the state shall determine that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interests of the state, then the head of such agency, or his designees, shall file with the Department of Finance and Administration (i) a statement explaining the conditions and circumstances of the emergency, which shall include a detailed description of the events leading up to the situation and the negative impact to the entity if the purchase is made following the statutory requirements set forth in paragraph (a), (b) or (c) of this section, and (ii) a certified copy of the appropriate minutes of the board of such agency requesting the emergency purchase, if applicable. Upon receipt of the statement and applicable board certification, the State Fiscal Officer, or his designees, may, in writing, authorize the purchase

or repair without having to comply with competitive bidding requirements.

If the governing board or the executive head, or his designees, of any agency determines that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would threaten the health or safety of any person, or the preservation or protection of property, then the provisions in this section for competitive bidding shall not apply, and any officer or agent of the agency having general or specific authority for making the purchase or repair contract shall approve the bill presented for payment, and he shall certify in writing from whom the purchase was made, or with whom the repair contract was made.

Total purchases made under this paragraph (j) shall only be for the purpose of meeting needs created by the emergency situation. Following the emergency purchase, documentation of the purchase, including a description of the commodity purchased, the purchase price thereof and the nature of the emergency shall be filed with the Department of Finance and Administration. Any contract awarded pursuant to this paragraph (j) shall not exceed a term of one (1) year.

Purchases under the grant program established under Section 37-68-7 in response to COVID-19 and the directive that school districts create a distance learning plan and fulfill technology

needs expeditiously shall be deemed an emergency purchase for purposes of this paragraph (j).

(k) **Governing authority emergency purchase procedure.** If the governing authority, or the governing authority acting through its designee, shall determine that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interest of the governing authority, then the provisions herein for competitive bidding shall not apply and any officer or agent of such governing authority having general or special authority therefor in making such purchase or repair shall approve the bill presented therefor, and he shall certify in writing thereon from whom such purchase was made, or with whom such a repair contract was made. At the board meeting next following the emergency purchase or repair contract, documentation of the purchase or repair contract, including a description of the commodity purchased, the price thereof and the nature of the emergency shall be presented to the board and shall be placed on the minutes of the board of such governing authority. Purchases under the grant program established under Section 37-68-7 in response to COVID-19 and the directive that school districts create a distance learning plan and fulfill technology needs expeditiously shall be deemed an emergency purchase for purposes of this paragraph (k).

(l) **Hospital purchase, lease-purchase and lease authorization.**

(i) The commissioners or board of trustees of any public hospital may contract with such lowest and best bidder for the purchase or lease-purchase of any commodity under a contract of purchase or lease-purchase agreement whose obligatory payment terms do not exceed five (5) years.

(ii) In addition to the authority granted in subparagraph (i) of this paragraph (l), the commissioners or board of trustees is authorized to enter into contracts for the lease of equipment or services, or both, which it considers necessary for the proper care of patients if, in its opinion, it is not financially feasible to purchase the necessary equipment or services. Any such contract for the lease of equipment or services executed by the commissioners or board shall not exceed a maximum of five (5) years' duration and shall include a cancellation clause based on unavailability of funds. If such cancellation clause is exercised, there shall be no further liability on the part of the lessee. Any such contract for the lease of equipment or services executed on behalf of the commissioners or board that complies with the provisions of this subparagraph (ii) shall be excepted from the bid requirements set forth in this section.

(m) **Exceptions from bidding requirements.** Excepted from bid requirements are:

(i) **Purchasing agreements approved by department.** Purchasing agreements, contracts and maximum price regulations executed or approved by the Department of Finance and Administration.

(ii) **Outside equipment repairs.** Repairs to equipment, when such repairs are made by repair facilities in the private sector; however, engines, transmissions, rear axles and/or other such components shall not be included in this exemption when replaced as a complete unit instead of being repaired and the need for such total component replacement is known before disassembly of the component; however, invoices identifying the equipment, specific repairs made, parts identified by number and name, supplies used in such repairs, and the number of hours of labor and costs therefor shall be required for the payment for such repairs.

(iii) **In-house equipment repairs.** Purchases of parts for repairs to equipment, when such repairs are made by personnel of the agency or governing authority; however, entire assemblies, such as engines or transmissions, shall not be included in this exemption when the entire assembly is being replaced instead of being repaired.

(iv) **Raw gravel or dirt.** Raw unprocessed deposits of gravel or fill dirt which are to be removed and transported by the purchaser.

(v) **Governmental equipment auctions.** Motor vehicles or other equipment purchased from a federal agency or authority, another governing authority or state agency of the State of Mississippi, or any governing authority or state agency of another state at a public auction held for the purpose of disposing of such vehicles or other equipment. Any purchase by a governing authority under the exemption authorized by this subparagraph (v) shall require advance authorization spread upon the minutes of the governing authority to include the listing of the item or items authorized to be purchased and the maximum bid authorized to be paid for each item or items.

(vi) **Intergovernmental sales and transfers.** Purchases, sales, transfers or trades by governing authorities or state agencies when such purchases, sales, transfers or trades are made by a private treaty agreement or through means of negotiation, from any federal agency or authority, another governing authority or state agency of the State of Mississippi, or any state agency or governing authority of another state. Nothing in this section shall permit such purchases through public auction except as provided for in subparagraph (v) of this paragraph (m). It is the intent of this section to allow governmental entities to dispose of and/or purchase commodities from other governmental entities at a price that is agreed to by both parties. This shall allow for purchases and/or sales at prices which may be determined to be below the market value if the

selling entity determines that the sale at below market value is in the best interest of the taxpayers of the state. Governing authorities shall place the terms of the agreement and any justification on the minutes, and state agencies shall obtain approval from the Department of Finance and Administration, prior to releasing or taking possession of the commodities.

(vii) **Perishable supplies or food.** Perishable supplies or food purchased for use in connection with hospitals, the school lunch programs, homemaking programs and for the feeding of county or municipal prisoners.

(viii) **Single source items.** Noncompetitive items available from one (1) source only. In connection with the purchase of noncompetitive items only available from one (1) source, a certification of the conditions and circumstances requiring the purchase shall be filed by the agency with the Department of Finance and Administration and by the governing authority with the board of the governing authority. Upon receipt of that certification the Department of Finance and Administration or the board of the governing authority, as the case may be, may, in writing, authorize the purchase, which authority shall be noted on the minutes of the body at the next regular meeting thereafter. In those situations, a governing authority is not required to obtain the approval of the Department of Finance and Administration. Following the purchase, the executive head of the state agency, or his designees, shall file with the Department of

Finance and Administration, documentation of the purchase, including a description of the commodity purchased, the purchase price thereof and the source from whom it was purchased.

(ix) **Waste disposal facility construction contracts.** Construction of incinerators and other facilities for disposal of solid wastes in which products either generated therein, such as steam, or recovered therefrom, such as materials for recycling, are to be sold or otherwise disposed of; however, in constructing such facilities, a governing authority or agency shall publicly issue requests for proposals, advertised for in the same manner as provided herein for seeking bids for public construction projects, concerning the design, construction, ownership, operation and/or maintenance of such facilities, wherein such requests for proposals when issued shall contain terms and conditions relating to price, financial responsibility, technology, environmental compatibility, legal responsibilities and such other matters as are determined by the governing authority or agency to be appropriate for inclusion; and after responses to the request for proposals have been duly received, the governing authority or agency may select the most qualified proposal or proposals on the basis of price, technology and other relevant factors and from such proposals, but not limited to the terms thereof, negotiate and enter contracts with one or more of the persons or firms submitting proposals.

(x) **Hospital group purchase contracts.** Supplies, commodities and equipment purchased by hospitals through group purchase programs pursuant to Section 31-7-38.

(xi) **Information technology products.** Purchases of information technology products made by governing authorities under the provisions of purchase schedules, or contracts executed or approved by the Mississippi Department of Information Technology Services and designated for use by governing authorities.

(xii) **Energy efficiency services and equipment.** Energy efficiency services and equipment acquired by school districts, community and junior colleges, institutions of higher learning and state agencies or other applicable governmental entities on a shared-savings, lease or lease-purchase basis pursuant to Section 31-7-14.

(xiii) **Municipal electrical utility system fuel.** Purchases of coal and/or natural gas by municipally owned electric power generating systems that have the capacity to use both coal and natural gas for the generation of electric power.

(xiv) **Library books and other reference materials.** Purchases by libraries or for libraries of books and periodicals; processed film, videocassette tapes, filmstrips and slides; recorded audiotapes, cassettes and diskettes; and any such items as would be used for teaching, research or other information distribution; however, equipment such as projectors, recorders,

audio or video equipment, and monitor televisions are not exempt under this subparagraph.

(xv) **Unmarked vehicles.** Purchases of unmarked vehicles when such purchases are made in accordance with purchasing regulations adopted by the Department of Finance and Administration pursuant to Section 31-7-9(2).

(xvi) **Election ballots.** Purchases of ballots printed pursuant to Section 23-15-351.

(xvii) **Multichannel interactive video systems.** From and after July 1, 1990, contracts by Mississippi Authority for Educational Television with any private educational institution or private nonprofit organization whose purposes are educational in regard to the construction, purchase, lease or lease-purchase of facilities and equipment and the employment of personnel for providing multichannel interactive video systems (ITSF) in the school districts of this state.

(xviii) **Purchases of prison industry products by the Department of Corrections, regional correctional facilities or privately owned prisons.** Purchases made by the Mississippi Department of Corrections, regional correctional facilities or privately owned prisons involving any item that is manufactured, processed, grown or produced from the state's prison industries.

(xix) **Undercover operations equipment.** Purchases of surveillance equipment or any other high-tech equipment to be used by law enforcement agents in undercover operations, provided

that any such purchase shall be in compliance with regulations established by the Department of Finance and Administration.

(xx) **Junior college books for rent.** Purchases by community or junior colleges of textbooks which are obtained for the purpose of renting such books to students as part of a book service system.

(xxi) **Certain school district purchases.** Purchases of commodities made by school districts from vendors with which any levying authority of the school district, as defined in Section 37-57-1, has contracted through competitive bidding procedures for purchases of the same commodities.

(xxii) **Garbage, solid waste and sewage contracts.** Contracts for garbage collection or disposal, contracts for solid waste collection or disposal and contracts for sewage collection or disposal.

(xxiii) **Municipal water tank maintenance contracts.** Professional maintenance program contracts for the repair or maintenance of municipal water tanks, which provide professional services needed to maintain municipal water storage tanks for a fixed annual fee for a duration of two (2) or more years.

(xxiv) **Purchases of Mississippi Industries for the Blind products.** Purchases made by state agencies or governing authorities involving any item that is manufactured, processed or produced by the Mississippi Industries for the Blind.

(xxv) **Purchases of state-adopted textbooks.** Purchases of state-adopted textbooks by public school districts.

(xxvi) **Certain purchases under the Mississippi Major Economic Impact Act.** Contracts entered into pursuant to the provisions of Section 57-75-9(2), (3) and (4).

(xxvii) **Used heavy or specialized machinery or equipment for installation of soil and water conservation practices purchased at auction.** Used heavy or specialized machinery or equipment used for the installation and implementation of soil and water conservation practices or measures purchased subject to the restrictions provided in Sections 69-27-331 through 69-27-341. Any purchase by the State Soil and Water Conservation Commission under the exemption authorized by this subparagraph shall require advance authorization spread upon the minutes of the commission to include the listing of the item or items authorized to be purchased and the maximum bid authorized to be paid for each item or items.

(xxviii) **Hospital lease of equipment or services.** Leases by hospitals of equipment or services if the leases are in compliance with paragraph (l)(ii).

(xxix) **Purchases made pursuant to qualified cooperative purchasing agreements.** Purchases made by certified purchasing offices of state agencies or governing authorities under cooperative purchasing agreements previously approved by the Office of Purchasing and Travel and established by or for any

municipality, county, parish or state government or the federal government, provided that the notification to potential contractors includes a clause that sets forth the availability of the cooperative purchasing agreement to other governmental entities. Such purchases shall only be made if the use of the cooperative purchasing agreements is determined to be in the best interest of the governmental entity.

(xxx) **School yearbooks.** Purchases of school yearbooks by state agencies or governing authorities; provided, however, that state agencies and governing authorities shall use for these purchases the RFP process as set forth in the Mississippi Procurement Manual adopted by the Office of Purchasing and Travel.

(xxxi) **Design-build method and * * * design-build method of contracting.** Contracts entered into under the provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.

(xxxii) **Toll roads and bridge construction projects.** Contracts entered into under the provisions of Section 65-43-1 or 65-43-3.

(xxxiii) **Certain purchases under Section 57-1-221.** Contracts entered into pursuant to the provisions of Section 57-1-221.

(xxxiv) **Certain transfers made pursuant to the provisions of Section 57-105-1(7).** Transfers of public property

or facilities under Section 57-105-1(7) and construction related to such public property or facilities.

(xxxv) **Certain purchases or transfers entered into with local electrical power associations.** Contracts or agreements entered into under the provisions of Section 55-3-33.

(xxxvi) **Certain purchases by an academic medical center or health sciences school.** Purchases by an academic medical center or health sciences school, as defined in Section 37-115-50, of commodities that are used for clinical purposes and 1. intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment or prevention of disease, and 2. medical devices, biological, drugs and radiation-emitting devices as defined by the United States Food and Drug Administration.

(xxxvii) **Certain purchases made under the Alyce G. Clarke Mississippi Lottery Law.** Contracts made by the Mississippi Lottery Corporation pursuant to the Alyce G. Clarke Mississippi Lottery Law.

(n) **Term contract authorization.** All contracts for the purchase of:

(i) All contracts for the purchase of commodities, equipment and public construction (including, but not limited to, repair and maintenance), may be let for periods of not more than sixty (60) months in advance, subject to applicable statutory provisions prohibiting the letting of contracts during specified

periods near the end of terms of office. Term contracts for a period exceeding twenty-four (24) months shall also be subject to ratification or cancellation by governing authority boards taking office subsequent to the governing authority board entering the contract.

(ii) Bid proposals and contracts may include price adjustment clauses with relation to the cost to the contractor based upon a nationally published industry-wide or nationally published and recognized cost index. The cost index used in a price adjustment clause shall be determined by the Department of Finance and Administration for the state agencies and by the governing board for governing authorities. The bid proposal and contract documents utilizing a price adjustment clause shall contain the basis and method of adjusting unit prices for the change in the cost of such commodities, equipment and public construction.

(o) **Purchase law violation prohibition and vendor penalty.** No contract or purchase as herein authorized shall be made for the purpose of circumventing the provisions of this section requiring competitive bids, nor shall it be lawful for any person or concern to submit individual invoices for amounts within those authorized for a contract or purchase where the actual value of the contract or commodity purchased exceeds the authorized amount and the invoices therefor are split so as to appear to be authorized as purchases for which competitive bids are not

required. Submission of such invoices shall constitute a misdemeanor punishable by a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00), or by imprisonment for thirty (30) days in the county jail, or both such fine and imprisonment. In addition, the claim or claims submitted shall be forfeited.

(p) **Electrical utility petroleum-based equipment purchase procedure.** When in response to a proper advertisement therefor, no bid firm as to price is submitted to an electric utility for power transformers, distribution transformers, power breakers, reclosers or other articles containing a petroleum product, the electric utility may accept the lowest and best bid therefor although the price is not firm.

(q) **Fuel management system bidding procedure.** Any governing authority or agency of the state shall, before contracting for the services and products of a fuel management or fuel access system, enter into negotiations with not fewer than two (2) sellers of fuel management or fuel access systems for competitive written bids to provide the services and products for the systems. In the event that the governing authority or agency cannot locate two (2) sellers of such systems or cannot obtain bids from two (2) sellers of such systems, it shall show proof that it made a diligent, good-faith effort to locate and negotiate with two (2) sellers of such systems. Such proof shall include, but not be limited to, publications of a request for proposals and

letters soliciting negotiations and bids. For purposes of this paragraph (q), a fuel management or fuel access system is an automated system of acquiring fuel for vehicles as well as management reports detailing fuel use by vehicles and drivers, and the term "competitive written bid" shall have the meaning as defined in paragraph (b) of this section. Governing authorities and agencies shall be exempt from this process when contracting for the services and products of fuel management or fuel access systems under the terms of a state contract established by the Office of Purchasing and Travel.

(r) **Solid waste contract proposal procedure.** Before entering into any contract for garbage collection or disposal, contract for solid waste collection or disposal or contract for sewage collection or disposal, which involves an expenditure of more than Fifty Thousand Dollars ($50,000.00), a governing authority or agency shall issue publicly a request for proposals concerning the specifications for such services which shall be advertised for in the same manner as provided in this section for seeking bids for purchases which involve an expenditure of more than the amount provided in paragraph (c) of this section. Any request for proposals when issued shall contain terms and conditions relating to price, financial responsibility, technology, legal responsibilities and other relevant factors as are determined by the governing authority or agency to be appropriate for inclusion; all factors determined relevant by the

governing authority or agency or required by this paragraph (r) shall be duly included in the advertisement to elicit proposals. After responses to the request for proposals have been duly received, the governing authority or agency shall select the most qualified proposal or proposals on the basis of price, technology and other relevant factors and from such proposals, but not limited to the terms thereof, negotiate and enter into contracts with one or more of the persons or firms submitting proposals. If the governing authority or agency deems none of the proposals to be qualified or otherwise acceptable, the request for proposals process may be reinitiated. Notwithstanding any other provisions of this paragraph, where a county with at least thirty-five thousand (35,000) nor more than forty thousand (40,000) population, according to the 1990 federal decennial census, owns or operates a solid waste landfill, the governing authorities of any other county or municipality may contract with the governing authorities of the county owning or operating the landfill, pursuant to a resolution duly adopted and spread upon the minutes of each governing authority involved, for garbage or solid waste collection or disposal services through contract negotiations.

(s) **Minority set-aside authorization.** Notwithstanding any provision of this section to the contrary, any agency or governing authority, by order placed on its minutes, may, in its discretion, set aside not more than twenty percent (20%) of its anticipated annual expenditures for the purchase of commodities

from minority businesses; however, all such set-aside purchases shall comply with all purchasing regulations promulgated by the Department of Finance and Administration and shall be subject to bid requirements under this section. Set-aside purchases for which competitive bids are required shall be made from the lowest and best minority business bidder. For the purposes of this paragraph, the term "minority business" means a business which is owned by a majority of persons who are United States citizens or permanent resident aliens (as defined by the Immigration and Naturalization Service) of the United States, and who are Asian, Black, Hispanic or Native American, according to the following definitions:

(i) "Asian" means persons having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

(ii) "Black" means persons having origins in any black racial group of Africa.

(iii) "Hispanic" means persons of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race.

(iv) "Native American" means persons having origins in any of the original people of North America, including American Indians, Eskimos and Aleuts.

(t) **Construction punch list restriction.** The architect, engineer or other representative designated by the

agency or governing authority that is contracting for public construction or renovation may prepare and submit to the contractor only one (1) preliminary punch list of items that do not meet the contract requirements at the time of substantial completion and one (1) final list immediately before final completion and final payment.

(u) **Procurement of construction services by state institutions of higher learning.** Contracts for privately financed construction of auxiliary facilities on the campus of a state institution of higher learning may be awarded by the Board of Trustees of State Institutions of Higher Learning to the lowest and best bidder, where sealed bids are solicited, or to the offeror whose proposal is determined to represent the best value to the citizens of the State of Mississippi, where requests for proposals are solicited.

(v) **Insurability of bidders for public construction or other public contracts.** In any solicitation for bids to perform public construction or other public contracts to which this section applies, including, but not limited to, contracts for repair and maintenance, for which the contract will require insurance coverage in an amount of not less than One Million Dollars ($1,000,000.00), bidders shall be permitted to either submit proof of current insurance coverage in the specified amount or demonstrate ability to obtain the required coverage amount of insurance if the contract is awarded to the bidder. Proof of

insurance coverage shall be submitted within five (5) business days from bid acceptance.

(w) **Purchase authorization clarification.** Nothing in this section shall be construed as authorizing any purchase not authorized by law.

SECTION 5. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1245

Description: MDOT; require maintenance of rights-of-way of state highways inside municipal limits with 10,000 or less population.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Transportation
2	01/26	(H) Title Suff Do Pass
3	02/04	(H) Amended
4	02/04	(H) Passed As Amended {Vote}
5	02/05	(H) Transmitted To Senate
6	02/23	(S) Referred To Municipalities
7	03/02	(S) Title Suff Do Pass As Amended
8	03/09	(S) Amended
9	03/09	(S) Passed As Amended {Vote}
10	03/10	(S) Returned For Concurrence
11	03/17	(H) Decline to Concur/Invite Conf
12	03/22	(H) Conferees Named Busby,Byrd,Faulkner
13	03/24	(S) Conferees Named Simmons (12th),Barrett,McCaughn
14	03/26	(H) Conference Report Filed
15	03/26	(S) Conference Report Filed
16	03/27	(H) Conference Report Adopted {Vote}
17	03/29	(S) Conference Report Adopted {Vote}
18	04/01	(H) Enrolled Bill Signed
19	04/01	(S) Enrolled Bill Signed
20	04/09	Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1245

Conference Reports:
Conference Report

Code Section: A 065-0001-0075

----- Additional Information -----

House Committee: Transportation
Senate Committee: Municipalities

Principal Author: Rushing
Additional Authors: Anderson (122nd), Byrd, Carpenter, Crudup, Currie, Evans (45th), Felsher, Foster, Gibbs (36th), Goodin, Haney, Hobgood-Wilkes, Ladner, Mangold, McCray, Newman, Pigott, Porter, Rosebud, Sanford, Scoggin, Shanks, Smith, Summers, Tullos, White, Yancey, Wallace, Miles, Williamson, Barnett, Stamps

Title: AN ACT TO AMEND SECTION 65-1-75, MISSISSIPPI CODE OF 1972, TO REQUIRE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO MAINTAIN GRASS MOWING OF RIGHTS-OF-WAY FOR ANY STATE HIGHWAYS LOCATED WITHIN THE MUNICIPAL LIMITS OF ANY MUNICIPALITY IN THE STATE WITH A POPULATION OF TEN THOUSAND (10,000) OR LESS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Rushing, Anderson (122nd), Byrd, Carpenter, Crudup, Currie, Evans (45th), Felsher, Foster, Gibbs (36th), Goodin, Haney, Hobgood-Wilkes, Ladner, Mangold, McCray, Newman, Pigott, Porter, Rosebud, Sanford, Scoggin, Shanks, Smith, Summers, Tullos, White, Yancey, Wallace, Miles, Williamson, Barnett, Stamps

To: Transportation

HOUSE BILL NO. 1245
(As Sent to Governor)

AN ACT TO AMEND SECTION 65-1-75, MISSISSIPPI CODE OF 1972, TO REQUIRE THE MISSISSIPPI DEPARTMENT OF TRANSPORTATION TO MAINTAIN GRASS MOWING OF RIGHTS-OF-WAY FOR ANY STATE HIGHWAYS LOCATED WITHIN THE MUNICIPAL LIMITS OF ANY MUNICIPALITY IN THE STATE WITH A POPULATION OF TEN THOUSAND (10,000) OR LESS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 65-1-75, Mississippi Code of 1972, is amended as follows:

65-1-75. (1) The Mississippi Transportation Commission is authorized and empowered to have the Transportation Department locate, construct, reconstruct and maintain any designated state highway under its jurisdiction to, through, across or around any municipality in the state, regardless of the width of the street between curbs; and in so locating it is fully empowered to follow the route of the existing street or to depart therefrom, as in its discretion it deems advisable, and to obtain and pay for the necessary rights-of-way, as provided in Section 65-1-47. The municipality in which such construction is to be undertaken is likewise authorized to acquire rights-of-way on any such streets

or on any newly located routes, either by purchase, gift or condemnation. Such rights-of-way may be acquired by either the municipality or the Transportation Department, subject to the approval of the commission, and the cost thereof may be borne by either or both as may be mutually agreed upon. In any event such municipality may be required to save the commission and department harmless from any claims for damages arising from the construction of the highway through such municipality, including claims for rights-of-way, change of grade line, interference with public structures, and any and all damages so arising. Municipalities may secure additional improvements by payment of the additional cost of same. The commission may require such municipality to cause to be laid all water, sewer, gas or other pipelines or conduits, together with all necessary house or lot connections or services, to the curb line of such road or street to be constructed, and the commission is authorized to refuse to have the department lay such pipelines or conduits beneath such roads or streets until the municipality has laid same or entered into an agreement to reimburse the commission or department for the expense thereby incurred.

(2) All construction of state highways in or through municipalities, where done at the cost and expense of the state, whether heretofore or hereafter, shall be maintained in the same manner and to the same extent as is construction on state highways outside the limits of municipalities to the end that investment of

the state in such highway so constructed may be preserved and maintained; and all reasonable rules and regulations with reference to the preservation and maintenance of such highways constructed at state expense, whether within or without municipal limits, may be promulgated by the commission, except that it shall have no power to promulgate police regulations contrary to existing law. On any municipal streets or parts or sections thereof taken over for regular maintenance and maintained by the department as a part of the state highway system, the municipality shall not be liable for negligence occasioned by the maintenance or repair of such streets thus apportioned to and of such width as is maintained by the department. The municipality shall have full control and responsibility beyond the curb lines of any designated highway or street, whether heretofore or hereafter so designated, (except the interstate system) located within its present or future expanded municipal corporate limits, regardless of the ownership of the right-of-way, including, but not limited to, the construction and maintenance of sidewalks, grass mowing and drainage systems; however, the department may utilize the right-of-way purchased by the commission without any additional cost or permission.

The municipality shall not allow any encroachments, signs or billboards to be erected or to remain on state-owned rights-of-way on any designated highway within its corporate limits without the consent of the commission. The municipality, at its own expense,

shall provide street illumination and shall clean all streets, including storm sewer inlets and catch basins. The commission may enter into an agreement with the municipality or with a private entity to sweep and clean the designated highways within or without the corporate limits. The commission may, at state expense, provide illumination and may clean all interstate highways within the corporate limits of any municipality. The right of the municipality to grant franchises over, beneath and upon such streets is specifically retained, but the municipality shall require every grantee of a franchise to restore, repair and replace to its original condition any portion of any such street damaged or injured by it; however, permission to open the surface of any municipal street maintained by the department must be obtained from both the commission and the municipality concerned before any such opening is made. Each municipality shall retain full police power over its streets, particularly as to regulating and enforcing traffic and parking restrictions on such streets, but any traffic control and parking regulations repugnant to state law shall be null and void. The commission shall have the department erect, control and maintain all highway route markers and directional signs on such streets at state expense. The commission, at state expense, shall have the department install, operate, maintain, control, and have full jurisdiction over, all traffic control devices, including, but not limited to, signals, signs, striping and lane markings on state highway streets in

municipalities having a population of twenty thousand (20,000) or less according to the current United States census; but municipalities over twenty thousand (20,000) population according to such census shall install, operate, maintain and control such devices at their own expense, subject to approval of the executive director regarding operations, method of installation and type only. Municipalities having a population of five thousand (5,000) or more but less than twenty thousand (20,000) according to the most recent federal census shall only be responsible for electrical operating costs; and all other costs for the installation, operation and maintenance of traffic control devices, including the changing of signal bulbs in traffic signal lights, shall be the responsibility of the Transportation Department. The commission may purchase at state expense and install traffic control devices in municipalities over twenty thousand (20,000) population and donate them to the municipalities for operation and maintenance whenever it appears to the commission that, in the interest of safety or convenience of the motoring public, any of the devices should be upgraded, replaced or removed. Any revenue from parking meters on any such streets shall be controlled by and belong to the municipality.

(3) The maintenance of all streets within the limits of any municipality in this state, regardless of size, which are presently being regularly maintained, in whole or in part, by the department at state expense as a part or parts of any designated

state highway shall be continued. Whenever any state highway runs into or through the corporate limits of any municipality, the municipal street or the street utilized and marked as a part of any such state highway may be a part of the state highway system and may be maintained by the department; however, such route through any municipality shall be selected by the commission by orders spread on its minutes describing all such routes, and such route or routes may be changed, relocated or abandoned by the commission from time to time, all under the provisions, terms and conditions herein provided, but the commission shall have the department maintain only one (1) route of any highway through a municipality. Upon relocation of such state highway or abandonment thereof, the municipal street formerly used as a state highway shall thereby return to the jurisdiction of, and maintenance by, the municipality.

(4) Notwithstanding any other provision of this section to the contrary, beginning on July 1, 2021, the department shall maintain grass mowing of rights-of-way for any state highways located within the municipal limits of any municipality in the state with a population of ten thousand (10,000) or less according to the latest federal decennial census that desires that the department perform grass mowing services, provided that it is in accordance with the department's annual mowing schedule and that the department shall not be required to maintain grass mowing for areas that are subject to a beautification permit or agreement.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1296

Description: Historic property income tax credit; revise certain provisions regarding.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: Revenue
Revenue: Yes
Vote type required: Three/Fifths
Effective date: January 1, 2021

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	01/27	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/16	(S) Referred To Finance
6	03/11	(S) Title Suff Do Pass As Amended
7	03/16	(S) Amended
8	03/16	(S) Passed As Amended {Vote}
9	03/17	(S) Returned For Concurrence
10	03/19	(H) Decline to Concur/Invite Conf
11	03/23	(H) Conferees Named Lamar,Steverson,Massengill
12	03/24	(S) Conferees Named Harkins,Johnson,Chassaniol
13	03/27	(S) Conference Report Filed
14	03/27	(H) Conference Report Filed
15	03/28	(H) Conference Report Adopted {Vote}
16	03/28	(S) Conference Report Adopted {Vote}
17	03/30	(H) Enrolled Bill Signed
18	03/30	(S) Enrolled Bill Signed
19	04/16	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1296

Conference Reports:

| Conference Report

Code Section: A 027-0007-0022.31

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Lamar
Additional Authors: McGee, Felsher

Title: AN ACT TO AMEND SECTION 27-7-22.31, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES AN INCOME TAX CREDIT FOR COSTS AND EXPENSES INCURRED FOR THE REHABILITATION OF CERTAIN HISTORIC STRUCTURES, TO REMOVE THE PROVISION THAT EXCLUDES SINGLE-FAMILY DWELLINGS FROM THE DEFINITION OF THE TERM "ELIGIBLE PROPERTY"; TO REVISE THE PROVISIONS UNDER WHICH A TAXPAYER ELIGIBLE FOR A TAX CREDIT MAY CLAIM THE TAX CREDIT IN PHASES; TO REMOVE THE OPTION, IN LIEU OF THE TEN-YEAR CARRYFORWARD, OF A REFUND PAID OVER A TWO-YEAR PERIOD IN THE AMOUNT OF 75% OF THE EXCESS CREDIT; TO ALLOW THE OPTION, IN LIEU OF CLAIMING THE CREDIT, OF A REBATE OF 75% OF THE AMOUNT THAT WOULD BE ELIGIBLE TO CLAIM AS A CREDIT; TO PROVIDE THAT THE REBATE SHALL BE SUBJECT TO APPROVAL BY THE DEPARTMENT OF ARCHIVES AND HISTORY AND SHALL BE REDEEMED WITH THE DEPARTMENT OF REVENUE FOR AN IMMEDIATE CASH PAYMENT; TO PROVIDE THAT THE DEPARTMENT OF ARCHIVES AND HISTORY SHALL NOT ISSUE CERTIFICATES EVIDENCING THE ELIGIBLE REBATE OR CREDIT WHICH WILL RESULT IN CREDITS BEING AWARDED IN EXCESS OF $12,000,000.00 IN ANY ONE STATE CALENDAR YEAR FOR PROJECTS WITH TOTAL QUALIFIED REHABILITATION COSTS AND EXPENSES OF $1,750,000.00 OR MORE; TO PROVIDE THAT THE DEPARTMENT OF ARCHIVES AND HISTORY SHALL NOT ISSUE CERTIFICATES EVIDENCING THE ELIGIBLE REBATE OR CREDIT WHICH WILL RESULT IN CREDITS BEING AWARDED IN EXCESS OF $12,000,000.00 IN ANY ONE STATE CALENDAR YEAR FOR PROJECTS WITH TOTAL QUALIFIED REHABILITATION COSTS AND EXPENSES OF LESS THAN $1,750,000.00; TO PROVIDE THAT A TAXPAYER CLAIMING A CREDIT INSTEAD OF A REBATE SHALL CLAIM THE CREDIT ON THE INCOME TAX RETURN FOR THE TAX YEAR FOR WHICH THE CREDIT IS CERTIFIED; TO PROVIDE THE ORDER IN WHICH A REBATE OR CREDIT SHALL BE CERTIFIED; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Lamar, McGee, Felsher To: Ways and Means

HOUSE BILL NO. 1296
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-7-22.31, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES AN INCOME TAX CREDIT FOR COSTS AND EXPENSES INCURRED FOR THE REHABILITATION OF CERTAIN HISTORIC STRUCTURES, TO REMOVE THE PROVISION THAT EXCLUDES SINGLE-FAMILY DWELLINGS FROM THE DEFINITION OF THE TERM "ELIGIBLE PROPERTY"; TO REVISE THE PROVISIONS UNDER WHICH A TAXPAYER ELIGIBLE FOR A TAX CREDIT MAY CLAIM THE TAX CREDIT IN PHASES; TO REMOVE THE OPTION, IN LIEU OF THE TEN-YEAR CARRYFORWARD, OF A REFUND PAID OVER A TWO-YEAR PERIOD IN THE AMOUNT OF 75% OF THE EXCESS CREDIT; TO ALLOW THE OPTION, IN LIEU OF CLAIMING THE CREDIT, OF A REBATE OF 75% OF THE AMOUNT THAT WOULD BE ELIGIBLE TO CLAIM AS A CREDIT; TO PROVIDE THAT THE REBATE SHALL BE SUBJECT TO APPROVAL BY THE DEPARTMENT OF ARCHIVES AND HISTORY AND SHALL BE REDEEMED WITH THE DEPARTMENT OF REVENUE FOR AN IMMEDIATE CASH PAYMENT; TO PROVIDE THAT THE DEPARTMENT OF ARCHIVES AND HISTORY SHALL NOT ISSUE CERTIFICATES EVIDENCING THE ELIGIBLE REBATE OR CREDIT WHICH WILL RESULT IN CREDITS BEING AWARDED IN EXCESS OF $12,000,000.00 IN ANY ONE STATE CALENDAR YEAR FOR PROJECTS WITH TOTAL QUALIFIED REHABILITATION COSTS AND EXPENSES OF $1,750,000.00 OR MORE; TO PROVIDE THAT THE DEPARTMENT OF ARCHIVES AND HISTORY SHALL NOT ISSUE CERTIFICATES EVIDENCING THE ELIGIBLE REBATE OR CREDIT WHICH WILL RESULT IN CREDITS BEING AWARDED IN EXCESS OF $12,000,000.00 IN ANY ONE STATE CALENDAR YEAR FOR PROJECTS WITH TOTAL QUALIFIED REHABILITATION COSTS AND EXPENSES OF LESS THAN $1,750,000.00; TO PROVIDE THAT A TAXPAYER CLAIMING A CREDIT INSTEAD OF A REBATE SHALL CLAIM THE CREDIT ON THE INCOME TAX RETURN FOR THE TAX YEAR FOR WHICH THE CREDIT IS CERTIFIED; TO PROVIDE THE ORDER IN WHICH A REBATE OR CREDIT SHALL BE CERTIFIED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-7-22.31, Mississippi Code of 1972, is amended as follows:

27-7-22.31. (1) As used in this section:

(a) "Certified historic structure" means a property located in Mississippi that has been:

(i) Listed individually on the National Register of Historic Places; or

(ii) Determined eligible for the National Register of Historic Places by the Secretary of the United States Department of the Interior and will be listed within thirty (30) months of claiming the rebate or credit authorized by this section; or

(iii) Property designated a Mississippi Landmark by the Department of Archives and History pursuant to Section 39-7-3 et seq.

(b) "Eligible property" means property located in Mississippi and offered or used for residential or business purposes * * *.

(c) "Structure in a certified historic district" means a structure (and its structural components) located in Mississippi which:

(i) Is listed in the National Register of Historic Places; or

(ii) Has been determined eligible for the National Register of Historic Places by the Secretary of the United States Department of the Interior and will be listed within thirty (30)

months of claiming the rebate or credit authorized by this section; or

(iii) Is located in a registered historic district listed on the National Register of Historic Places or located in a potential district that has been determined eligible for the National Register of Historic Places by the Secretary of the United States Department of the Interior and will be listed within thirty (30) months of claiming the rebate or credit authorized by this section, and is certified by the Secretary of the United States Department of the Interior as being of historic significance to the district; or

(iv) Is certified by the Mississippi Department of Archives and History as contributing to the historic significance of:

1. A certified historic district listed on the National Register of Historic Places; or

2. A potential district that has been determined eligible for the National Register of Historic Places by the Secretary of the United States Department of the Interior and will be listed within thirty (30) months of claiming the rebate or credit authorized by this section; or

3. A local district that has been certified by the United States Department of the Interior.

(d) "Department" means the Department of Archives and History.

(2) Any taxpayer incurring costs and expenses for the rehabilitation of eligible property, which is a certified historic structure or a structure in a certified historic district, shall be entitled to a rebate or credit against the taxes imposed pursuant to this chapter in an amount equal to twenty-five percent (25%) of the total costs and expenses of rehabilitation incurred after January 1, 2006, which shall include, but not be limited to, qualified rehabilitation expenditures as defined under Section 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related regulations thereunder:

(a) If the costs and expenses associated with rehabilitation exceed:

(i) Five Thousand Dollars ($5,000.00) in the case of an owner-occupied dwelling; or

(ii) Fifty percent (50%) of the * * * adjusted basis in the property in the case of all other properties; and

(b) The rehabilitation is consistent with the standards of the Secretary of the United States Department of the Interior as determined by the department.

(3) Any taxpayer eligible for the rebate or credit authorized by this section may claim the rebate or credit in phases if:

(a) There is a written set of architectural plans and specifications for all phases of the rehabilitation (written plans

outlining and describing all phases of the rehabilitation shall be accepted as written plans and specifications);

(b) The written set of architectural plans and specifications are completed before the physical work on the rehabilitation begins; and

(c) * * * The project receives final certification by the department within sixty (60) months of the project start date certified in the first phase.

(4) (a) (i) If the amount of the tax credit established by this section exceeds the total state income tax liability for the credit year * * *, the amount that exceeds the total state income tax liability may be carried forward for the ten (10) succeeding tax years.

(ii) In lieu of claiming a tax credit, the taxpayer may elect to claim a * * * rebate in the amount of seventy-five percent (75%) of the * * * amount that would be eligible to claim as a credit. The election must be made in the year in which the * * * rebate is certified. * * *

(iii) * * * Rebate requests shall be submitted to the department * * * on forms prescribed by the department. The department will then provide the taxpayer with a voucher for the approved amount. Within twelve (12) months of the issuance of the voucher by the department, the taxpayer may submit the voucher to the Department of Revenue to receive payment. * * * Rebates shall be made from current tax collections.

(b) Not-for-profit entities, including, but not limited to, nonprofit corporations organized under Section 79-11-101 et seq., shall be ineligible for the rebate or credit authorized by this section. Credits granted to a partnership, a limited liability company taxed as a partnership or multiple owners of property shall be passed through to the partners, members or owners on a pro rata basis or pursuant to an executed agreement among the partners, members or owners documenting an alternative distribution method. Partners, members or other owners of a pass-through entity are not eligible to elect a refund of excess credit in lieu of a carryforward of the credit. However, a partnership or limited liability company taxed as a partnership may elect to claim a * * * rebate at the entity level on a form prescribed by the department * * *. Additionally, excess tax credits that are attributable to rehabilitated property that was placed in service by a pass-through entity prior to January 1, 2011, and that have previously been allocated to and are held by another pass-through entity prior to January 1, 2011, may be refunded to such other pass-through entity.

(5) (a) (i) To claim the rebate or credit authorized pursuant to this section, the taxpayer shall apply to the department which shall determine the amount of eligible rehabilitation costs and expenses and whether the rehabilitation is consistent with the standards of the Secretary of the United States Department of the Interior. The department shall issue a

certificate evidencing the date of the rebate or credit and amount of eligible rebate or credit if the taxpayer is found to be eligible for the tax rebate or credit. The taxpayer shall attach the certificate to all income tax returns on which the credit is claimed. Except as otherwise provided in this paragraph (a), the department shall not issue certificates evidencing the eligible rebate or credit which * * * will result in rebates or credits being awarded in excess of Twelve Million Dollars ($12,000,000.00) in any one (1) * * * calendar year for projects with total qualified rehabilitation costs and expenses of One Million Seven Hundred Fifty Thousand Dollars ($1,750,000.00) or more. The department shall also not issue certificates evidencing the eligible rebate or credit which will result in rebates or credits being awarded in excess of Twelve Million Dollars ($12,000,000.00) in any one (1) calendar year for projects with total qualified rehabilitation costs and expenses of less than One Million Seven Hundred Fifty Thousand Dollars ($1,750,000.00).

(ii) If claiming a credit instead of a rebate, the taxpayer shall claim such credit on the income tax return for the tax year for which the credit is certified.

(b) The date of the rebate or credit shall be certified in the following order:

(i) The rebate or credit shall be certified based on the date of project completion.

(ii) If the eligible rebate or credit exceeds the available limit in the year in which the project is completed, the rebate or credit shall be certified based on the date the certification is issued by the department. The department shall issue the certification in the first calendar year in which the requested rebate or credit would not exceed the calendar year limit.

(* * *c) The aggregate amount of tax rebates or credits that may be awarded under this section shall not exceed One Hundred Eighty Million Dollars ($180,000,000.00). * * *

(6) (a) The rebate or credit received by a taxpayer pursuant to this section is subject to recapture if:

(i) The property is one that has been determined eligible for the National Register of Historic Places but is not listed on the National Register of Historic Places within thirty (30) months of claiming the rebate or credit authorized by this section;

(ii) The potential district in which the property is located is not listed on the National Register of Historic Places within thirty (30) months of claiming the rebate or credit authorized by this section; or

(iii) * * * The project has not received final certification by the department within sixty (60) months of the project start date certified in the first phase.

(b) The taxpayer shall notify the department and the Department of Revenue if any of the situations that subject the credit to recapture occur.

(7) (a) The board of trustees of the department shall establish fees to be charged for the services performed by the department under this section and shall publish the fee schedule. The fees contained in the schedule shall be in amounts reasonably calculated to recover the costs incurred by the department for the administration of this section. Any taxpayer desiring to participate in the tax credits authorized by this section shall pay the appropriate fee as contained in the fee schedule to the department, which shall be used by the department, without appropriation, to offset the administrative costs of the department associated with its duties under this section.

(b) There is hereby created within the State Treasury a special fund into which shall be deposited all the fees collected by the department pursuant to this section. Money deposited into the fund shall not lapse at the end of any fiscal year and investment earnings on the proceeds in such special fund shall be deposited into such fund. Money from the fund shall be disbursed upon warrants issued by the State Fiscal Officer upon requisitions signed by the executive director of the department to assist the department in carrying out its duties under this section.

(8) This section shall only apply to taxpayers:

(a) Who have been issued a certificate evidencing the eligible credit before December 31, 2030; or

(b) Who, before December 31, 2030, have received a determination in writing from the Mississippi Department of Archives and History, in accordance with the department's Historic Preservation Certificate Application, Part 2, that the rehabilitation is consistent with the historic character of the property and that the property meets the United States Secretary of the Interior's Standards for Rehabilitation, or will meet the standards if certain specified conditions are met, and, who are issued a certificate evidencing the eligible credit on or after December 31, 2030.

SECTION 2. This act shall take effect and be in force from and after January 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1312

Description: State Board of Cosmetology; extend repealer on.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: Passage

History of Actions:

1	01/18	(H)	Referred To Accountability, Efficiency, Transparency
2	01/28	(H)	Title Suff Do Pass Comm Sub
3	02/10	(H)	Committee Substitute Tabled
4	02/10	(H)	Passed {Vote}
5	02/11	(H)	Transmitted To Senate
6	02/16	(S)	Referred To Public Health and Welfare
7	02/24	(S)	Title Suff Do Pass As Amended
8	03/09	(S)	Amended
9	03/09	(S)	Passed As Amended {Vote}
10	03/09	(S)	Motion to Reconsider Entered
11	03/11	(S)	Motion to Reconsider Tabled
12	03/11	(S)	Returned For Concurrence
13	03/17	(H)	Decline to Concur/Invite Conf
14	03/22	(H)	Conferees Named Boyd,Young,Tubb
15	03/25	(S)	Conferees Named Bryan,Wiggins,Parks
16	03/25	(H)	Conference Report Filed
17	03/25	(S)	Conference Report Filed
18	03/26	(S)	Conference Report Adopted {Vote}
19	03/26	(S)	Motion to Reconsider Entered
20	03/26	(S)	Recommitted For Further Conf
21	03/27	(H)	Recommitted For Further Conf
22	03/27	(S)	Conference Report Filed
23	03/27	(H)	Conference Report Filed
24	03/28	(H)	Conference Report Adopted {Vote}
25	03/30	(S)	Conference Report Adopted {Vote}
26	03/30	(S)	Immediate Release
27	04/01	(H)	Enrolled Bill Signed
28	04/01	(S)	Enrolled Bill Signed

29 04/09 Approved by Governor

Amendments:

[S] Committee Amendment No 1Replaced by Substitute

[S] Substitute No 1 for Committee Amendment No 1 ***Adopted*** Voice Vote

Amendment Report for House Bill No. 1312

Conference Reports:

| Conference Report

| Conference Report # 2

Code Section: R 073-0007-0001, RA 073-0007-0002, R 073-0007-0003, R 073-0007-0005, R 073-0007-0007, R 073-0007-0009, R 073-0007-0011, RA 073-0007-0012, R 073-0007-0013, R 073-0007-0014, R 073-0007-0015, R 073-0007-0016, R 073-0007-0017, R 073-0007-0018, R 073-0007-0019, R 073-0007-0021, R 073-0007-0023, R 073-0007-0025, R 073-0007-0027, R 073-0007-0029, RA 073-0007-0031, R 073-0007-0033, R 073-0007-0035, A 073-0007-0063, A 073-0005-0041

----- Additional Information -----

House Committee: Accountability, Efficiency, Transparency
Senate Committee: Public Health and Welfare

Principal Author: Turner

Title: AN ACT TO REENACT SECTIONS 73-7-1 THROUGH 73-7-37, MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE BOARD OF COSMETOLOGY AND PRESCRIBE ITS DUTIES AND POWERS; TO AMEND REENACTED SECTION 73-7-2, MISSISSIPPI CODE OF 1972, TO AMEND THE DEFINITIONS OF "COSMETOLOGY" AND "ESTHETICS" TO REMOVE PERSONS WHOSE PRACTICE IS LIMITED TO ONLY PERFORMING MAKEUP ARTISTRY, THREADING OR APPLYING OR REMOVING EYELASH EXTENSIONS FROM THE COSMETOLOGY LICENSING LAW; TO AMEND REENACTED SECTION 73-7-12, MISSISSIPPI CODE OF 1972, TO DELETE THE DUPLICATE REPEALER ON THE STATUTE REQUIRING THE STATE BOARD OF COSMETOLOGY TO CONDUCT STUDENT EXAMINATIONS INSTEAD OF CONTRACTING WITH A TESTING SERVICE; TO AMEND REENACTED SECTION 73-7-31, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM THE COSMETOLOGY LICENSURE LAW PERSONS WHOSE PRACTICE IS LIMITED TO ONLY PERFORMING MAKEUP ARTISTRY, THREADING OR APPLYING OR REMOVING EYELASH EXTENSIONS; TO AMEND SECTION 73-7-63, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THOSE REENACTED SECTIONS; TO AMEND SECTION 73-5-41, MISSISSIPPI CODE OF 1972, TO EXEMPT PERSONS WHOSE PRACTICE IS LIMITED TO ONLY MAKEUP ARTISTRY, THREADING OR APPLYING OR REMOVING EYELASH EXTENSIONS FROM LICENSING UNDER THE STATE BOARD OF BARBER EXAMINERS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Turner

To: Accountability, Efficiency, Transparency

HOUSE BILL NO. 1312
(As Sent to Governor)

AN ACT TO REENACT SECTIONS 73-7-1 THROUGH 73-7-37, MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE BOARD OF COSMETOLOGY AND PRESCRIBE ITS DUTIES AND POWERS; TO AMEND REENACTED SECTION 73-7-2, MISSISSIPPI CODE OF 1972, TO AMEND THE DEFINITIONS OF "COSMETOLOGY" AND "ESTHETICS" TO REMOVE PERSONS WHOSE PRACTICE IS LIMITED TO ONLY PERFORMING MAKEUP ARTISTRY, THREADING OR APPLYING OR REMOVING EYELASH EXTENSIONS FROM THE COSMETOLOGY LICENSING LAW; TO AMEND REENACTED SECTION 73-7-12, MISSISSIPPI CODE OF 1972, TO DELETE THE DUPLICATE REPEALER ON THE STATUTE REQUIRING THE STATE BOARD OF COSMETOLOGY TO CONDUCT STUDENT EXAMINATIONS INSTEAD OF CONTRACTING WITH A TESTING SERVICE; TO AMEND REENACTED SECTION 73-7-31, MISSISSIPPI CODE OF 1972, TO EXEMPT FROM THE COSMETOLOGY LICENSURE LAW PERSONS WHOSE PRACTICE IS LIMITED TO ONLY PERFORMING MAKEUP ARTISTRY, THREADING OR APPLYING OR REMOVING EYELASH EXTENSIONS; TO AMEND SECTION 73-7-63, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THOSE REENACTED SECTIONS; TO AMEND SECTION 73-5-41, MISSISSIPPI CODE OF 1972, TO EXEMPT PERSONS WHOSE PRACTICE IS LIMITED TO ONLY MAKEUP ARTISTRY, THREADING OR APPLYING OR REMOVING EYELASH EXTENSIONS FROM LICENSING UNDER THE STATE BOARD OF BARBER EXAMINERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-7-1, Mississippi Code of 1972, is reenacted as follows:

73-7-1. There is hereby continued and reconstituted a State Board of Cosmetology, composed of five (5) members to be appointed by the Governor, with the advice and consent of the Senate, and

whose term of office shall be four (4) years from the date of appointment except as otherwise provided herein. However, no more than two (2) members shall be appointed from each Supreme Court district.

There shall be a president of the board and such other officers as deemed necessary by the board elected by and from its membership, provided that the member elected as president shall have at least one (1) year of experience on the board. Any member appointed by the Governor and confirmed by the Senate for a term to begin on or after July 1, 1997, who was designated by the Governor to serve as president of the board, shall be fully qualified to serve on the board for a full term of office, but shall not serve as president of the board unless elected by the membership of the board as provided under this paragraph.

To be eligible for appointment as a member of the State Board of Cosmetology, the person applying shall have been a citizen of this state for a minimum of five (5) years immediately prior to appointment. Such person shall be at least thirty (30) years of age, possess a high school education or its equivalent, and shall have been a licensed cosmetologist with not less than ten (10) years' active practice in cosmetology. No member of the board shall be connected in any way with any school wherein cosmetology is taught, nor shall any two (2) members of the board be graduates of the same school of cosmetology.

However, in the event of vacancy by death or resignation of any member of the board, the Governor shall, within thirty (30) days, appoint a person possessing all qualifications required to serve the remainder of the term. Any member who shall not attend two (2) consecutive meetings of the board for reasons other than illness of such member shall be subject to removal by the Governor. The president of the board shall notify the Governor in writing when any such member has failed to attend two (2) consecutive regular meetings.

The salaries of all paid employees of the board shall be paid out of funds in the board's special fund in the State Treasury. Each member of the board, excepting the inspectors provided for herein, shall receive per diem as authorized by Section 25-3-69, and shall be reimbursed for such other expenses at the same rate and under the same conditions as other state employees as provided for in Section 25-3-41.

The board shall give reasonable public notice of all board meetings not less than ten (10) days prior to such meetings.

SECTION 2. Section 73-7-2, Mississippi Code of 1972, is reenacted and amended as follows:

73-7-2. As used in this chapter, the following terms shall have the meanings ascribed herein unless the context otherwise requires:

(a) "Board" means the State Board of Cosmetology.

(b) "Cosmetology" means any one (1) or a combination of the following practices if they are performed on a person's head, face, neck, shoulder, arms, hands, legs or feet for cosmetic purposes:

(i) Cutting, clipping or trimming hair and hair pieces.

(ii) Styling, arranging, dressing, curling, waving, permanent waving, straightening, cleansing, bleaching, tinting, coloring or similarly treating hair and hair pieces.

(iii) Cleansing, stimulating, manipulating, beautifying or applying oils, antiseptics, clays, lotions or other preparations, either by hand or by mechanical or electrical apparatus.

(iv) Arching eyebrows, to include tweezing, waxing, threading or any other methods of epilation, or tinting eyebrows and eyelashes.

(v) Removing superfluous hair by the use of depilation.

(vi) Manicuring and pedicuring.

For regulation purposes, the term "cosmetology" does not include persons whose practice is limited to only performing makeup artistry, threading or applying or removing eyelash extensions; however, a person may perform a combination of not more than three (3) such practices and still be exempt from this chapter.

(c) "Cosmetologist" means a person who for compensation, whether direct or indirect, engages in the practice of cosmetology.

(d) "Esthetics" means any one (1) or a combination of the following practices:

(i) Massaging the face or neck of a person.

(ii) Arching eyebrows to include trimming, tweezing, waxing, threading or any other method of epilation or tinting eyebrows and eyelashes.

(iii) Tinting eyelashes or eyebrows.

(iv) Waxing, stimulating, cleaning or beautifying the face, neck, arms or legs of a person by any method with the aid of the hands or any mechanical or electrical apparatus, or by the use of a cosmetic preparation.

The term "esthetics" shall not include the diagnosis, treatment or therapy of any dermatological condition. For regulation purposes, the term "esthetics" does not include persons whose practice is limited to only performing makeup artistry, threading or applying or removing eyelash extension; however, a person may perform a combination of not more than three (3) such practices and still be exempt from this chapter.

(e) "Esthetician" means any person who, for compensation, either direct or indirect, engages in the practice of esthetics.

(f) "Instructor" means a person licensed to teach cosmetology, or manicuring and pedicuring, or esthetics, or all of those, pursuant to this chapter, and shall include those persons engaged in the instruction of student instructors.

(g) "Manicuring and pedicuring" means any one (1) or a combination of the following practices:

(i) Cutting, trimming, polishing, coloring, tinting, cleansing or otherwise treating a person's nails.

(ii) Applying artificial nails.

(iii) Massaging or cleaning a person's hands, arms, legs or feet.

(h) "Manicurist" means a person who for compensation, either direct or indirect, engages in the practice of manicuring and pedicuring.

(i) "Master" means a person holding a cosmetology, manicuring and esthetics license who has completed the minimum course of continuing education prescribed by Section 73-7-14.

(j) "Salon" means an establishment operated for the purpose of engaging in the practice of cosmetology, or manicuring and pedicuring, or esthetics, or wigology, or all of those.

(k) "School" means an establishment, public or private, operated for the purpose of teaching cosmetology, or manicuring and pedicuring, or esthetics, or wigology, or all of those.

SECTION 3. Section 73-7-3, Mississippi Code of 1972, is reenacted as follows:

73-7-3. The board shall be authorized to employ such clerical and stenographic assistance, bookkeepers, investigators and other agents as they may deem necessary to carry out the provisions of this chapter, and to fix their tenure of employment and compensation therefor. The members of the board shall file a bond with the Secretary of State in the sum of not less than Five Thousand Dollars ($5,000.00) payable to the State of Mississippi for the faithful performance of their duties. The bond shall be made by a surety company authorized to do business in this state, the premium of the bond to be paid out of any money in the board's special fund in the State Treasury.

The office of the board shall be located in the greater metropolitan area of the City of Jackson, Mississippi, and in the event office space cannot be obtained in any state-owned building, the board is authorized to rent suitable office space and to pay therefor out of funds in the board's special fund. The board shall employ inspectors as needed, not to exceed seven (7), who shall be full-time employees and whose salaries and duties shall be fixed by the board.

The salaries of all paid employees of the board shall be paid out of the funds in the board's special fund. The inspectors shall, in addition to their salaries, be reimbursed for such expenses as are allowed other state employees under the provisions of Section 25-3-41. In addition to the paying of office rent, the board is authorized to purchase necessary office furniture and

equipment, stationery, books, certificates and any other equipment necessary for the proper administration of this chapter.

SECTION 4. Section 73-7-5, Mississippi Code of 1972, is reenacted as follows:

73-7-5. (1) All fees and any other monies received by the board shall be deposited in a special fund that is created in the State Treasury and shall be used for the implementation and administration of this chapter when appropriated by the Legislature for such purpose. The monies in the special fund shall be subject to all provisions of the state budget laws that are applicable to special fund agencies, and shall be disbursed by the State Treasurer only upon warrants issued by the State Fiscal Officer upon requisitions signed by the president of the board or another board member designated by the president, and countersigned by the secretary of the board. Any interest earned on this special fund shall be credited by the State Treasurer to the fund and shall not be paid into the State General Fund. Any unexpended monies remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund.

(2) The State Auditor shall audit the financial affairs of the board and the transactions involving the special fund at least once a year in the same manner as for other special fund agencies. In addition, the Governor, in his discretion, shall have the power from time to time to require an audit of the financial affairs of the board, the same to be made by the State Auditor upon request

of the Governor. The Governor shall have the power to suspend any member of the board who shall be found in default in any account until such time as it shall be determined whether such default was a result of an act of dishonesty on the part of the member, and in the event it is found that such default is an act of dishonesty, misfeasance or nonfeasance on the part of the member, such member shall be immediately removed by the Governor from office.

SECTION 5. Section 73-7-7, Mississippi Code of 1972, is reenacted as follows:

73-7-7. (1) The board shall have authority to make reasonable rules and regulations for the administration of the provisions of this chapter. The board shall set up a curriculum for operation of schools of cosmetology and the other professions it is charged to regulate in this state. The board shall receive and consider for adoption recommendations for rules and regulations, school curriculum, and related matters from the Mississippi Cosmetology Council, whose membership shall consist of, in addition to the board members, five (5) elected delegates from the Mississippi Cosmetology Association, five (5) elected delegates from the Mississippi Cosmetology School Association, five (5) elected delegates from the Mississippi Independent Beauticians Association, and five (5) elected delegates from the School Owners and Teachers Association. The board may revoke the license of any cosmetologist, esthetician, manicurist, instructor, school of cosmetology, or salon, or may refuse to issue a license

to any cosmetologist, esthetician, manicurist, instructor, school of cosmetology, or salon that fails or refuses to comply with the provisions of this chapter and the rules and regulations of the board in carrying out the provisions of this chapter.

(2) The board shall have authority to prescribe reasonable rules and regulations governing sanitation of schools of cosmetology and beauty salons for the guidance of persons licensed under this chapter in the operation of schools of cosmetology, or a beauty salon, and in the practice of cosmetology, esthetics, manicuring and pedicuring, and wigology. However, any and all rules and regulations relating to sanitation shall, before adoption by the board, have the written approval of the State Board of Health. When the board has reason to believe that any of the provisions of this chapter or of the rules and regulations of the board have been violated, either upon receipt of a written complaint alleging such violations or upon the board's own initiative, the board, or any of its authorized agents, shall investigate same and shall have authority to enter upon the premises of a school of cosmetology or salon at any time during the regular business hours of that school or salon to conduct the investigation. Such investigation may include, but not be limited to, conducting oral interviews with the complaining party, school or salon owner(s) and/or students of the school, and reviewing records of the school or salon pertinent to the complaint and related to an area subject to the authority of the board. Such

investigation shall not include written interviews or surveys of school employees or students, and the privacy of patrons shall be respected by any person making such investigation.

(3) On or before July 1, 2001, the board shall adopt regulations to ensure that all fingernail service products used by licensed cosmetologists, manicurists and other licensees do not contain methyl methacrylate (MMA) as a monomer agent for cosmetic nail applications.

(4) If the board finds that a violation of the provisions of this chapter or the rules and regulations of the board has occurred, it may cause a hearing to be held as set forth in Section 73-7-27.

SECTION 6. Section 73-7-9, Mississippi Code of 1972, is reenacted as follows:

73-7-9. No person required by this chapter to have a license shall conduct a beauty salon or school of cosmetology, or practice cosmetology, esthetics, manicuring and pedicuring, or practice as an instructor, unless such person has received a license or temporary permit therefor from the board. Students determined to have violated any of these rules or regulations prior to being licensed by the board shall be subject to the same discipline by the board as licensees. They may be disciplined and fined accordingly.

SECTION 7. Section 73-7-11, Mississippi Code of 1972, is reenacted as follows:

73-7-11. Each owner of a license issued by the board under the provisions of this chapter shall display the license in a conspicuous place in his or her principal office, place of business or employment, at all times.

Each practitioner and instructor license shall contain a head photograph of the license holder, the person's name, and the type of license held by the person. The requirements of this section shall apply at the time of issuance of a new license or at the time of renewal of an existing license.

SECTION 8. Section 73-7-12, Mississippi Code of 1972, is reenacted and amended as follows:

73-7-12. * * * Effective January 1, 2020, the State Board of Cosmetology shall terminate its student testing contract with proper notice and shall conduct examinations for cosmetologists, estheticians, manicurists and instructors at such times and locations as determined by the board. The members of the board shall not personally administer or monitor the examinations, but the board shall contract for administrators of the examinations. A member of the board shall not receive any per diem compensation for any day that the member is present at the site where the examinations are being administered.

* * *

SECTION 9. Section 73-7-13, Mississippi Code of 1972, is reenacted as follows:

73-7-13. (1) The board shall admit to examination for a cosmetology license any person who has made application to the board in proper form, has paid the required fee, and who (a) is at least seventeen (17) years of age, (b) can read, write and speak English, (c) has successfully completed no less than fifteen hundred (1500) hours over a period of no less than nine (9) months in a licensed school of cosmetology, and (d) has a high school education or its equivalent or has been successfully enrolled in a community college.

(a) The board may, in its discretion, issue to any student who has completed the prescribed hours in a licensed school and paid the required fee a temporary permit until such time as the next examination may be held, but such student shall be issued only one (1) temporary permit. Application for an examination and license shall be accompanied by two (2) passport photographs of the applicant. No temporary permit will be issued to an applicant from any other state to operate a beauty salon or school of cosmetology in this state unless in case of emergency.

(b) Applicants for the cosmetologist examination, after having satisfactorily passed the prescribed examination, shall be issued a cosmetology license which until June 30, 2001, shall be valid for one (1) year, and after July 1, 2001, shall be valid for two (2) years, and all those licenses shall be subject to renewal.

(c) Any barber who can read, write and speak English and has successfully completed no less than fifteen hundred (1500)

hours in a licensed barber school, and who holds a current valid certificate of registration to practice barbering and who holds a current valid license, is eligible to take the cosmetology examination to secure a cosmetology license upon successfully completing five hundred (500) hours in a licensed school of cosmetology. All fees for application, examination, registration and renewal thereof shall be the same as provided for cosmetologists.

(2) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

(3) Any licensed cosmetologist, esthetician, or manicurist who is registered but not actively practicing in the State of Mississippi at the time of making application for renewal, may apply for registration on the "inactive" list. Such "inactive" list shall be maintained by the board and shall set out the names and post office addresses of all persons registered but not actively practicing in this state, arranged alphabetically by name and also by the municipalities and states of their last-known professional or residential address. Only the cosmetologists, estheticians and manicurists registered on the appropriate list as actively practicing in the State of Mississippi shall be authorized to practice those professions. For the purpose of this section, any licensed cosmetologist, esthetician or manicurist who has actively practiced his or her profession for at least three

(3) months of the immediately preceding license renewal period shall be considered inactive practice. No cosmetologist, esthetician, or manicurist shall be registered on the "inactive" list until the person has furnished a statement of intent to take such action to the board. Any licensed cosmetologist, esthetician, manicurist or wigologist registered on the "inactive" list shall not be eligible for registration on the active list until either of the following conditions have been satisfied:

(a) Written application shall be submitted to the State Board of Cosmetology stating the reasons for such inactivity and setting forth such other information as the board may require on an individual basis and completion of the number of clock hours of continuing education as approved by the board; or

(b) Evidence to the satisfaction of the board shall be submitted that they have actively practiced their profession in good standing in another state and have not been guilty of conduct that would warrant suspension or revocation as provided by applicable law; and

(c) Payment of the fee for processing such inactive license shall be paid biennially in accordance to board rules.

SECTION 10. Section 73-7-14, Mississippi Code of 1972, is reenacted as follows:

73-7-14. (1) Any person who holds a current, valid cosmetology, manicuring or esthetics license may be licensed as a master cosmetologist, manicurist or esthetician if he or she has

been a licensed cosmetologist, manicurist or esthetician in this state for a period of not less than twelve (12) months, and has completed a minimum course of sixteen (16) hours' study in continuing education approved by the board within the licensing period preceding initial application for the license, and has paid the original license fee. Master cosmetologist, manicurist or esthetician licenses shall be renewable upon completion of a minimum course of eight (8) hours' study in continuing education approved by the board within a licensing period and payment of the required renewal fee. This is an optional license and persons who do not wish to complete the continuing education requirement may obtain a cosmetology license when renewing their license.

(2) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

SECTION 11. Section 73-7-15, Mississippi Code of 1972, is reenacted as follows:

73-7-15. (1) The board shall admit to examination for a cosmetology instructor's license any person who has made application to the board in proper form, has paid the required fee, and who:

(a) Is not less than twenty-one (21) years of age;

(b) Can read, write and speak English;

(c) Is a graduate of a licensed cosmetology school;

(d) Has a high school education or its equivalent;

(e) Has successfully completed one thousand (1,000) hours of instructor training in a licensed school of cosmetology;

(f) Has successfully completed six (6) semester hours in college courses approved by the board;

(g) Holds a current, valid Mississippi cosmetology license; and

(h) Has at least one (1) year active practical experience as a cosmetologist or, as an alternative to such experience, has successfully completed one thousand (1,000) hours of instructor training in a licensed school of cosmetology.

(2) The board shall admit to examination for an esthetics instructor's license any person who has made application to the board in proper form, has paid the required fee, and who:

(a) Is not less than twenty-one (21) years of age;

(b) Can read, write and speak English;

(c) Has a high school education or its equivalent;

(d) Has successfully completed one thousand (1,000) hours of instructor training in a licensed school in which the practice of esthetics is taught;

(e) Has successfully completed six (6) semester hours in college courses approved by the board;

(f) Holds a current, valid Mississippi esthetician's license; and

(g) Has had one (1) year of active practical experience as an esthetician or, as an alternative to such experience, has

successfully completed one thousand (1,000) hours of instructor training in a licensed school in which the practice of esthetics is taught.

(3) The board shall admit to examination for a manicurist instructor's license any person who has made application to the board in proper form, has paid the required fee, and who:

(a) Is not less than twenty-one (21) years of age;

(b) Can read, write and speak English;

(c) Has a high school education or its equivalent;

(d) Has successfully completed one thousand (1,000) hours of instructor training in a licensed school in which the practice of manicuring is taught;

(e) Has successfully completed six (6) semester hours in college courses approved by the board;

(f) Holds a current, valid Mississippi manicurist's license; and

(g) Has had one (1) year of active practical experience as a manicurist or, as an alternative to such experience, has successfully completed one thousand (1,000) hours of instructor training in a licensed school in which the practice of manicuring is taught.

(4) Applicants shall satisfactorily pass the examination prescribed by the board for licensing instructors prior to the issuance of the licenses provided for in this section. However, the board may, in its discretion, issue a temporary instructor's

permit until such time as the next examination may be held, but such applicant shall be issued only one (1) temporary permit. All applications for an instructor's examination shall be accompanied by two (2) recent head photographs of the applicant.

(5) All instructors licensed pursuant to this section shall biennially obtain twenty-four (24) clock hours of continuing education in teacher training instruction in cosmetology or esthetics or manicuring, as the case may be, as approved by the board. Any instructor who fails to obtain the continuing education required by this subsection shall not be allowed to instruct nor enroll students under his or her license until such education requirement has been met. The board may issue an inactive instructor's license to such instructors, and an inactive license may be converted into an active license after proof satisfactory to the board of completion of at least twenty-four (24) clock hours of approved continuing education required for teacher training instruction.

(6) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SECTION 12. Section 73-7-16, Mississippi Code of 1972, is reenacted as follows:

73-7-16. (1) All schools of cosmetology or school owners shall have a school license and shall pay to the board the required license fee biennially therefor. A grace period of sixty

(60) days will be given in which to renew the license, and upon the expiration of the grace period of sixty (60) days, any applicant for the renewal of a school license will be required to pay a delinquent fee in addition to the renewal fee. The board is hereby authorized and empowered to promulgate necessary and reasonable rules and regulations for the issuance and renewal of school licenses. However, the board shall not refuse to issue or renew a school's license because of the number of schools already in that area of the state, and any rule promulgated by the board for that purpose shall be null and void.

(2) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

(3) The board shall require all schools of cosmetology to only admit students who have not less than a tenth-grade education or a high school diploma or its equivalency.

SECTION 13. Section 73-7-17, Mississippi Code of 1972, is reenacted as follows:

73-7-17. (1) All salon owners shall have a salon license and shall pay to the board the required license fee therefor and pay the required renewal fee for renewal thereof. A grace period of sixty (60) days will be given in which to renew the license, and upon the expiration of the grace period of sixty (60) days any applicant for the renewal of a salon license will be required to pay a delinquent fee in addition to the renewal fee. A salon

license that has been expired for over one (1) year is nonrenewable and requires a new application. Prior to the initial issuance of such license, the board shall inspect the premises to determine if same qualifies with the law, upon payment by the applicant of the required inspection fee.

(2) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

SECTION 14. Section 73-7-18, Mississippi Code of 1972, is reenacted as follows:

73-7-18. (1) The board shall admit to examination for an esthetician's license any person who has made application to the board in proper form, has paid the required fee, and who:

(a) Is not less than seventeen (17) years of age;

(b) Can read, write and speak English;

(c) Has a high school education or its equivalent; and

(d) Has successfully completed a course of training in esthetics of not less than six hundred (600) hours in an accredited school in which the practice of esthetics is taught, including not less than one hundred (100) hours of theory and five hundred (500) hours of skill practice.

Any licensed esthetician wishing to acquire a cosmetology license may apply the six hundred (600) hours of esthetics training toward the requirements for a cosmetology license.

(2) Every person who has completed not less than three hundred fifty (350) hours of training in esthetics approved by the board in this or any other state prior to July 1, 1987, shall be registered with the board within a period not exceeding six (6) months after July 1, 1987, and shall be granted an esthetician's license by the board if such person presents satisfactory evidence to the board that he or she has fulfilled all the requirements to be admitted to examination except the training hours requirement.

(3) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

SECTION 15. Section 73-7-19, Mississippi Code of 1972, is reenacted as follows:

73-7-19. (1) Except as provided in Section 33-1-39, all licenses shall be renewed biennially under the fee schedule in Section 73-7-29. Applications for renewal of licenses for cosmetologists, estheticians, manicurists and instructors must be accompanied by the required renewal fee. A grace period of sixty (60) days will be given in which to renew the license; and upon the expiration of the grace period of sixty (60) days, any applicant for the renewal of a license will be required to pay the required renewal fee and a delinquent fee in addition to the renewal fee. The fees may be paid by either personal or certified check, cash or money order, under such safeguards, rules and regulations as the board may prescribe. Checks returned to the

board because of insufficient funds shall result in nonrenewal of the license, which will require the penalty fee for insufficient fund checks plus all other amounts due for renewal of the license before the license may be renewed. After one (1) year has passed from the expiration date of the license, a delinquent fee must be paid for each year up to three (3) years, after which the required examination must be taken. All applications for examination required by this chapter shall expire ninety (90) days from the date thereof.

(2) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SECTION 16. Section 73-7-21, Mississippi Code of 1972, is reenacted as follows:

73-7-21. (1) The board shall admit to examination for a manicurist's license any person who has made application to the board in proper form, has paid the required fee, and who:

(a) Is at least seventeen (17) years of age;

(b) Can read, write and speak English;

(c) Has successfully completed no less than three hundred fifty (350) hours of practice and related theory in manicuring and pedicuring over a period of no less than nine (9) weeks in an accredited school of cosmetology in this or any other state; and

(d) Has a high school education or its equivalent.

(2) Licensed manicurists desiring to pursue additional hours to be eligible for a license as a cosmetologist may be credited with the three hundred fifty (350) hours acquired in studying and training to be a manicurist which may be applied to the number of hours required for a cosmetology license examination.

(3) The board shall adopt regulations governing the use of electric nail files for the purpose of filing false or natural nails.

(4) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SECTION 17. Section 73-7-23, Mississippi Code of 1972, is reenacted as follows:

73-7-23. (1) The board may, upon application, issue a license by reciprocity to any cosmetologist, esthetician or manicurist over the age of seventeen (17) years from any other state who has satisfactorily completed the required number of accredited hours in that state, provided the state board from which the applicant comes issues to cosmetologists, estheticians or manicurists, as the case may be, from the State of Mississippi a license under the same conditions. Applications must be accompanied by (a) proof satisfactory to the board that the required hours have been completed, and (b) the required reciprocity fee, which shall be paid to the board.

(2) An instructor from any other state may be qualified for a Mississippi instructor's license upon presenting a valid instructor's license and proof of a high school education or its equivalent, provided that the instructor (a) is not less than twenty-one (21) years of age, (b) has completed training equivalent to the State of Mississippi's training as provided in Section 73-7-15 or has three (3) years or more of experience as a licensed instructor prior to application, (c) can read, write and speak English, (d) has completed twelve (12) semester hours in college courses approved by the board, and (e) has completed a minimum of five (5) continuing education hours in Mississippi board laws, rules and regulations. Such application must be accompanied by two (2) recent passport photographs of the applicant. Applicants shall pay the required license fee.

(3) An applicant for a Mississippi instructor's license by reciprocity who has not completed the college courses requirement at the time of application may apply for a onetime temporary teaching permit, which shall be valid for six (6) months and shall be nonrenewable. Such application must be accompanied by proof of enrollment in college course(s), required permit fee, two (2) recent passport photographs of the applicant and other documentation as required for application for a Mississippi instructor's license by reciprocity. Upon proof of completion of college courses and payment of the required license fee, a Mississippi instructor's license shall be issued.

(4) The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SECTION 18. Section 73-7-25, Mississippi Code of 1972, is reenacted as follows:

73-7-25. Every demonstrator in the field of cosmetology shall, before making demonstrations in a salon or school, apply for and obtain a permit from the board. For such permit, which shall be for one (1) year, the required fee shall be paid to the board. This section shall be construed to apply to demonstrators in salons and schools.

SECTION 19. Section 73-7-27, Mississippi Code of 1972, is reenacted as follows:

73-7-27. (1) Any complaint may be filed with the board by a member or agent of the board or by any person charging any licensee of the board with the commission of any of the offenses enumerated in subsection (2) of this section. Such complaint shall be in writing, signed by the accuser or accusers, and verified under oath, and such complaints shall be investigated as set forth in Section 73-7-7. If, after the investigation, the board through its administrative review agents determines that there is not substantial justification to believe that the accused licensee has committed any of the offenses enumerated, it may dismiss the complaint or may prepare a formal complaint proceeding against the licensee as hereinafter provided. When used with

reference to any complaint filed against a licensee herein, the term "not substantial justification" means a complaint that is frivolous, groundless in fact or law, or vexatious, as determined by unanimous vote of the board. In the event of a dismissal, the person filing the accusation and the accused licensee shall be given written notice of the board's determination. If the board determines there is reasonable cause to believe the accused has committed any of those offenses, the secretary of the board shall give written notice of such determination to the accused licensee and set a day for a hearing as provided in subsection (3) of this section.

(2) The board shall have the power to revoke, suspend or refuse to issue or renew any license or certificate provided for in this chapter, and to fine, place on probation and/or otherwise discipline a student or licensee or holder of a certificate, upon proof that such person: (a) has not complied with or has violated any of the rules and regulations promulgated by the board; (b) has not complied with or has violated any of the sections of this chapter; (c) has committed fraud or dishonest conduct in the taking of the examination herein provided for; (d) has been convicted of a felony; (e) has committed grossly unprofessional or dishonest conduct; (f) is addicted to the excessive use of intoxicating liquors or to the use of drugs to such an extent as to render him or her unfit to practice in any of the practices or occupations set forth in this chapter; (g) has advertised by means

of knowingly false or deceptive statements; or (h) has failed to display the license or certificate issued to him or her as provided for in this chapter; or (i) has been convicted of violating any of the provisions of this chapter. A conviction of violating any of the provisions of this chapter shall be grounds for automatic suspension of the license or certificate of such person.

(3) The board shall not revoke, suspend or refuse to issue or renew any license or certificate, or fine, place on probation or otherwise discipline any person in a disciplinary matter except after a hearing of which the applicant or licensee or holder of the certificate affected shall be given at least twenty (20) days' notice in writing, specifying the reason or reasons for denying the applicant a license or certificate of registration, or in the case of any other disciplinary action, the offense or offenses of which the licensee or holder of a certificate of registration is charged. Such notice may be served by mailing a copy thereof by United States first-class certified mail, postage prepaid, to the last-known residence or business address of such applicant, licensee or holder of a certificate. The hearing on such charges shall be at such time and place as the board may prescribe.

(4) At such hearings, all witnesses shall be sworn by a member of the board, and stenographic notes of the proceedings shall be taken. Any party to the proceedings desiring it shall be furnished with a copy of such stenographic notes upon payment to

the board of such fees as it shall prescribe, not exceeding, however, the actual costs of transcription.

(5) The board is hereby authorized and empowered to issue subpoenas for the attendance of witnesses and the production of books and papers. The process issued by the board shall extend to all parts of the state and such process shall be served by any person designated by the board for such service. The person serving such process shall receive such compensation as may be allowed by the board, not to exceed the fee prescribed by law for similar services. All witnesses who shall be subpoenaed, and who shall appear in any proceedings before the board, shall receive the same fees and mileage as allowed by law.

(6) Where in any proceeding before the board any witness shall fail or refuse to attend upon subpoena issued by the board, shall refuse to testify, or shall refuse to produce any books and papers, the production of which is called for by the subpoena, the attendance of such witness and the giving of his testimony and the production of the books and papers shall be enforced by any court of competent jurisdiction of this state, in the same manner as are enforced for the attendance and testimony of witnesses in civil cases in the courts of this state.

(7) The board shall conduct the hearing in an orderly and continuous manner, granting continuances only when the ends of justice may be served. The board shall, within sixty (60) days after conclusion of the hearing, reduce its decision to writing

and forward an attested true copy thereof to the last-known residence or business address of such applicant, licensee or holder of a certificate, by way of United States first-class certified mail, postage prepaid. Such applicant, licensee, holder of a certificate, or person aggrieved shall have the right of appeal from an adverse ruling, or order, or decision of the board to the Chancery Court of the First Judicial District of Hinds County, Mississippi, upon forwarding notice of appeal to the board within thirty (30) days after the decision of the board is mailed in the manner here contemplated. An appeal will not be allowed in the event notice of appeal, together with the appeal bond hereinafter required, shall not have been forwarded to the board within the thirty-day period. Appeal shall be to the Chancery Court of the First Judicial District of Hinds County, Mississippi. The appeal shall thereupon be heard in due course by the court which shall review the record and make its determination thereon.

(8) The appellant shall, together with the notice of appeal, forward to and post with the board a satisfactory bond in the amount of Five Hundred Dollars ($500.00) for the payment of any costs which may be adjudged against him.

(9) In the event of an appeal, the court shall dispose of the appeal and enter its decision promptly. The hearing on the appeal may, in the discretion of the chancellor, be tried in vacation. If there is an appeal, such appeal may, in the discretion of and on motion to the chancery court, act as a

supersedeas. However, any fine imposed by the board under the provisions of this chapter shall not take effect until after the time for appeal has expired, and an appeal of the imposition of such a fine shall act as a supersedeas.

(10) Any fine imposed by the board upon a licensee or holder of a certificate shall be in accordance with the following schedule:

(a) For the first violation, a fine of not less than Fifty Dollars ($50.00) nor more than One Hundred Dollars ($100.00) for each violation.

(b) For the second and each subsequent violation, a fine of not less than One Hundred Dollars ($100.00) nor more than Four Hundred Dollars ($400.00) for each violation.

The power and authority of the board to impose such fines under this section shall not be affected or diminished by any other proceeding, civil or criminal, concerning the same violation or violations.

(11) In addition to the reasons specified in subsection (2) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended

for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 20. Section 73-7-29, Mississippi Code of 1972, is reenacted as follows:

73-7-29. The State Board of Cosmetology shall assess fees in the following amounts and for the following purposes:

(a) Initial license/renewal for cosmetologist, manicurist, esthetician, or wig specialist.....$ 50.00

(b) Instructor initial license/renewal..... 80.00

(c) Master cosmetologist license/renewal..... 70.00

(d) Delinquent renewal penalty - cosmetologist, manicurist, esthetician, wig specialist and instructor..... 50.00

There shall be no renewal fee for any licensee seventy (70) years of age or older.

(e) Salon application and initial inspection.... 85.00

(f) Salon reinspection..... 35.00

(g) Salon change of ownership or location, or both..... 85.00

(h) Salon renewal..... 60.00

(i) Salon delinquent renewal penalty..... 50.00

(j) Application and initial inspection for a new school..... 300.00

(k) New school reinspection..... 100.00

(l) School change of ownership..... 300.00

(m) School relocation..... 150.00

(n) School renewal..... 75.00

(o) School delinquent renewal penalty..... 100.00

(p) Duplicate license..... 10.00

(q) Penalty for insufficient fund checks..... 20.00

(r) Affidavit processing..... 15.00

The State Board of Cosmetology may charge additional fees for services which the board deems appropriate to carry out its intent and purpose. These additional fees shall not exceed the cost of rendering the service.

The board is fully authorized to make refunds of any deposits received by the board for services which are not rendered. Refunds will automatically be made on overpayment of fees. Refunds will be made on underpayments by written requests from applicants. If no request for refund is made within sixty (60) days, the fees will be forfeited.

SECTION 21. Section 73-7-31, Mississippi Code of 1972, is reenacted and amended as follows:

73-7-31. Nothing in this chapter shall apply to:

(a) Hairdressing, manicuring or facial treatments given in the home to members of family or friends for which no charge is made.

(b) Persons whose practice is limited to * * * only performing makeup artistry, threading or applying or removing eyelash extensions; however, a person may perform a combination of not more than three (3) such practices and still be exempt from this chapter.

(c) Barbers, and nothing in this chapter shall affect the jurisdiction of the State Board of Barber Examiners.

(d) Persons engaged in the practice of hair braiding as defined in Section 73-7-71 who have completed the self-test part of the brochure on infection control techniques prepared by the State Department of Health and who keep the brochure and completed self-test available at the location at which the person is engaged in hair braiding.

SECTION 22. Section 73-7-33, Mississippi Code of 1972, is reenacted as follows:

73-7-33. In addition to the rules and regulations that may be prescribed and promulgated by the board under authority of this chapter, the following rules and regulations shall be observed:

Every establishment must be kept sanitary, including all utensils and equipment, must be well ventilated and properly lighted. Each salon must be provided with hot and cold running water. Electrical appliances must be properly installed and grounded.

Cosmetologists shall be allowed to wear any type of clothing or apparel while at work as long as such clothing or apparel is sanitary.

Cosmetologists shall be allowed to use any type of hair roller as long as they do so in a sanitary manner.

Persons with a communicable disease or parasitic infection that is medically recognized to be a direct threat of transmission by the type of contact that practitioners have with clients are not to be permitted to practice in an establishment until their condition is no longer communicable under those circumstances. No work shall be performed on any patron having a visible disease unless the patron shall produce a certificate from a practicing physician stating that the patron is free from infectious, contagious or communicable disease. A cosmetologist's license does not authorize such person to treat or prescribe for an infectious, contagious or any other disease.

A home salon must have a solid wall to the ceiling with an outside entrance, or if a door exists between the salon and the remainder of the house, the door must be kept closed at all times while service is being rendered.

SECTION 23. Section 73-7-35, Mississippi Code of 1972, is reenacted as follows:

73-7-35. (1) No person licensed pursuant to this chapter shall practice his or her profession except within the physical confines of a salon possessing and displaying a properly executed license issued pursuant to Section 73-7-17. However, this requirement shall not prevent a person from rendering his or her services to any person who may be confined to his or her home, a hospital, or other place as a result of illness, and cosmetologists shall be permitted to render their services to deceased persons away from their salons.

(2) No salon owner licensed pursuant to this chapter shall allow a cosmetologist, esthetician, or manicurist to practice his/her profession in the salon without possessing a valid license issued pursuant to this chapter.

SECTION 24. Section 73-7-37, Mississippi Code of 1972, is reenacted as follows:

73-7-37. (1) The violation of any of the provisions of this chapter, including the use of fraudulent statements to obtain any benefits or privileges under this chapter or practicing one (1) of these professions without a license, shall constitute a misdemeanor, punishable in any court of competent jurisdiction at the seat of government, and any person or firm convicted of the violation of any of the provisions of this chapter shall be fined not less than One Hundred Dollars ($100.00) nor more than Five

Hundred Dollars ($500.00). The court shall not be authorized to suspend or suspend the execution of the fine required under this section.

(2) If any person, firm or corporation violates any of the provisions of this chapter, the secretary of the board, upon direction of a majority of the board and in the name of the board, acting through the Attorney General or an attorney employed by the board, shall apply in the Chancery Court of the First Judicial District of Hinds County, Mississippi, for an order enjoining such violation or for an order enforcing compliance with the provisions of this chapter. Upon the filing of a verified petition in the chancery court and after notice as provided under the Mississippi Rules of Civil Procedure, such court, if satisfied by the sworn petition, by affidavit or otherwise, that such person has violated any of the provisions of this chapter, may issue an injunction without notice or bond, enjoining such continued violation and such injunction shall remain in force and effect until a final hearing. If at such hearing it is established that such person has violated or is violating any of the provisions of this chapter, the court may enter a decree permanently enjoining such violation or enforcing compliance with this chapter. In addition, the court may enter a judgment against such person for attorney's fees, court costs and the actual costs incurred by the board in investigating the actions of such person for which the board brought the suit for an injunction. In case of violation of any

decree issued in compliance with this subsection, the court may punish the offender for contempt of court and the court shall proceed as in other cases.

(3) The proceedings in this section shall be in addition to and not in lieu of the other remedies and penalties provided in this chapter.

SECTION 25. Section 73-7-63, Mississippi Code of 1972, is amended as follows:

73-7-63. Sections 73-7-1 through 73-7-37, which create the State Board of Cosmetology and prescribe its duties and powers, shall stand repealed * * * on July 1, * * * 2024.

SECTION 26. Section 73-5-41, Mississippi Code of 1972, is amended as follows:

73-5-41. (1) The following persons are exempt from the provisions of this chapter, wholly in the proper discharge of their professional duties, to wit:

(a) Persons authorized by the law of Mississippi to practice medicine and surgery.

(b) Commissioned medical or surgical officers of the United States Army, Navy or Marine hospital service.

(c) Registered nurses.

(d) Cosmetologists, and nothing in this chapter shall affect the jurisdiction of the State Board of Cosmetology.

(e) Persons whose practice is limited to only makeup artistry, threading or applying or removing eyelash extensions.

(2) The provision of this section shall not be construed to authorize any of the persons exempted to shave, trim the beard, or cut the hair of any person, or perform any other act that constitutes barbering, for cosmetic purposes, with the exception of persons licensed by the State Board of Cosmetology or persons whose practice is limited to only makeup artistry, threading or applying or removing eyelash extensions.

SECTION 27. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 1446

Description: Income tax; allow deduction for Back to Business Mississippi Grant Program eligible expenses.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: Revenue
Revenue: Yes
Vote type required: Three/Fifths
Effective date: ** See Text

History of Actions:

1	02/22	(H) Referred To Ways and Means
2	02/22	(H) Title Suff Do Pass
3	02/24	(H) Passed {Vote}
4	02/25	(H) Transmitted To Senate
5	03/09	(S) Referred To Finance
6	03/11	(S) Title Suff Do Pass
7	03/16	(S) Amended
8	03/16	(S) Passed As Amended {Vote}
9	03/17	(S) Returned For Concurrence
10	03/19	(H) Decline to Concur/Invite Conf
11	03/23	(H) Conferees Named Lamar,Steverson,Massengill
12	03/24	(S) Conferees Named Harkins,Johnson,England
13	03/27	(S) Conference Report Filed
14	03/27	(H) Conference Report Filed
15	03/28	(H) Conference Report Adopted {Vote}
16	03/28	(S) Conference Report Adopted {Vote}
17	03/30	(H) Enrolled Bill Signed
18	03/30	(S) Enrolled Bill Signed
19	04/14	Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 2 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1446

Conference Reports:

| Conference Report

Code Section: A 057-0121-0007

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Gunn

Title: AN ACT TO AMEND SECTION 57-121-7, MISSISSIPPI CODE OF 1972, TO ALLOW AN INCOME TAX DEDUCTION FOR OTHERWISE DEDUCTIBLE EXPENSES IF THE PAYMENT FOR SUCH EXPENSES IS MADE WITH THE GRANT OR LOAN PROGRAM OF THE PAYCHECK PROTECTION PROGRAM AS AUTHORIZED UNDER THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT AND THE CONSOLIDATED APPROPRIATIONS ACT OF 2021, THE COVID-19 ECONOMIC INJURY DISASTER LOAN PROGRAM, THE 2020 COVID-19 MISSISSIPPI BUSINESS ASSISTANCE ACT, AND/OR THE RENTAL ASSISTANCE GRANT PROGRAM, AND SUCH EXPENSES ARE ALLOWED AS DEDUCTIONS FOR FEDERAL INCOME TAX PURPOSES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Gunn To: Ways and Means

HOUSE BILL NO. 1446
(As Sent to Governor)

AN ACT TO AMEND SECTION 57-121-7, MISSISSIPPI CODE OF 1972, TO ALLOW AN INCOME TAX DEDUCTION FOR OTHERWISE DEDUCTIBLE EXPENSES IF THE PAYMENT FOR SUCH EXPENSES IS MADE WITH THE GRANT OR LOAN PROGRAM OF THE PAYCHECK PROTECTION PROGRAM AS AUTHORIZED UNDER THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT AND THE CONSOLIDATED APPROPRIATIONS ACT OF 2021, THE COVID-19 ECONOMIC INJURY DISASTER LOAN PROGRAM, THE 2020 COVID-19 MISSISSIPPI BUSINESS ASSISTANCE ACT, AND/OR THE RENTAL ASSISTANCE GRANT PROGRAM, AND SUCH EXPENSES ARE ALLOWED AS DEDUCTIONS FOR FEDERAL INCOME TAX PURPOSES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-121-7, Mississippi Code of 1972, is amended as follows:

57-121-7. (1) Any eligible business desiring to participate in the program shall make application for a grant to the MDA in a form satisfactory to the MDA. The application shall include verified documentation, signed under penalty of perjury.

(2) The MDA shall use the funds provided by this chapter to make grants to eligible businesses pursuant to applications submitted under subsection (1) of this section, to cover their eligible expenses.

(3) The use of grants shall be subject to audit by the United States Department of the Treasury's Office of Inspector General and the Mississippi Office of the State Auditor. A business found to be fully or partially noncompliant with grant requirements shall return to the state all or a portion of the grant monies received. Applicants shall confirm their understanding of these terms.

(4) The program shall be subject to the following terms and conditions:

(a) The base payment to an eligible business shall be One Thousand Five Hundred Dollars ($1,500.00). An eligible business may choose to receive additional compensation by either claiming Five Hundred Dollars ($500.00) per full-time equivalent employee employed by the eligible business as of March 1, 2020, or itemizing eligible expenses on the application form. The total payment shall be reduced by the amount of any Paycheck Protection Program (PPP) funds, Economic Injury Disaster Loan (EIDL) Emergency Advance funds up to a maximum of Ten Thousand Dollars ($10,000.00), and business interruption insurance proceeds received by the eligible taxpayer; provided, however, that the total payment shall not be reduced by more than half. In no event shall the total payment to an eligible business under this section exceed Twenty-five Thousand Dollars ($25,000.00).

(b) At least Forty Million Dollars ($40,000,000.00) in grants, exclusive of administrative expenses retained by the MDA,

shall be awarded to minority business enterprises for the first sixty (60) days of the application period.

(c) Grants awarded shall be protected from creditors and shall not be subject to tax * * *.

(d) Notwithstanding any other provision in Title 27, Mississippi Code of 1972, there shall be allowed an income tax deduction for otherwise deductible expenses if:

(i) The payment(s) for such deductible expenses are made with the grant or loan program of the Paycheck Protection Program as authorized under the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Consolidated Appropriations Act of 2021, the COVID-19 Economic Injury Disaster Loan Program, the 2020 COVID-19 Mississippi Business Assistance Act, and/or the Rental Assistance Grant Program; and

(ii) Such deductible expenses shall be allowed as deductions for federal income tax purposes.

SECTION 2. This act shall take effect and be in force from and after March 27, 2020.

Mississippi Legislature
2021 Regular Session

Senate Bill 2024

Description: Depositories; revise bid process for selection by counties and municipalities.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/05	(S) Referred To County Affairs
2	02/01	(S) Title Suff Do Pass
3	02/05	(S) Passed {Vote}
4	02/08	(S) Transmitted To House
5	02/24	(H) Referred To County Affairs
6	02/25	(H) Title Suff Do Pass
7	02/26	(H) Passed {Vote}
8	02/26	(H) Motion to Reconsider Entered (Byrd, Taylor, Hood)
9	03/09	(H) Reconsidered
10	03/09	(H) Amended
11	03/09	(H) Passed As Amended {Vote}
12	03/10	(H) Returned For Concurrence
13	03/11	(S) Decline to Concur/Invite Conf
14	03/16	(S) Conferees Named Hill,Whaley,Seymour
15	03/22	(H) Conferees Named Byrd,Taylor,Smith
16	03/26	(S) Conference Report Filed
17	03/26	(H) Conference Report Filed
18	03/27	(H) Conference Report Adopted {Vote}
19	03/27	(S) Conference Report Adopted {Vote}
20	03/31	(S) Enrolled Bill Signed
21	03/31	(H) Enrolled Bill Signed
22	04/09	Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2024

Conference Reports:

| Conference Report

Code Section: A 027-0105-0305, A 031-0007-0013

----- Additional Information -----

Senate Committee: County Affairs
House Committee: County Affairs

Principal Author: Blackwell
Additional Authors: Butler, Turner-Ford, Jackson (11th), McLendon, Simmons (13th), Younger, Jordan, Barnett, Chism

Title: AN ACT TO AMEND SECTION 27-105-305, MISSISSIPPI CODE OF 1972, TO PROVIDE COUNTY BOARDS OF SUPERVISORS THE DISCRETION TO DETERMINE THE INTERVAL OF TIME FOR PROVIDING NOTICE TO FINANCIAL INSTITUTIONS OF THE OPENING OF THE BIDDING PROCESS FOR SERVING AS DEPOSITORIES OF COUNTY FUNDS; TO CLARIFY THAT THE SELECTION OF DEPOSITORIES IS TO BE BASED UPON ALL RELEVANT FACTORS; TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT REVERSE AUCTIONS SHALL NOT BE USED FOR CERTAIN TERM CONTRACTS; TO REQUIRE THE CLERK OF THE BOARD OF SUPERVISORS TO ENTER THE RECOMMENDED YEAR-END ADJUSTING ACCOUNTING ENTRIES INTO THE COUNTY'S ACCOUNTING SYSTEM AND TO REQUIRE THE BOARD OF SUPERVISORS TO SPREAD THE REASON THAT ANY RECOMMENDED ENTRY WAS NOT ENTERED UPON ITS MINUTES IF THE CLERK OF THE BOARD OF SUPERVISORS DECLINES TO MAKE THE ENTRY; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Blackwell, Butler, Turner-Ford, Jackson (11th), McLendon, Simmons (13th), Younger, Jordan, Barnett, Chism

To: County Affairs

SENATE BILL NO. 2024
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-105-305, MISSISSIPPI CODE OF 1972, TO PROVIDE COUNTY BOARDS OF SUPERVISORS THE DISCRETION TO DETERMINE THE INTERVAL OF TIME FOR PROVIDING NOTICE TO FINANCIAL INSTITUTIONS OF THE OPENING OF THE BIDDING PROCESS FOR SERVING AS DEPOSITORIES OF COUNTY FUNDS; TO CLARIFY THAT THE SELECTION OF DEPOSITORIES IS TO BE BASED UPON ALL RELEVANT FACTORS; TO AMEND SECTION 31-7-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT REVERSE AUCTIONS SHALL NOT BE USED FOR CERTAIN TERM CONTRACTS; TO REQUIRE THE CLERK OF THE BOARD OF SUPERVISORS TO ENTER THE RECOMMENDED YEAR-END ADJUSTING ACCOUNTING ENTRIES INTO THE COUNTY'S ACCOUNTING SYSTEM AND TO REQUIRE THE BOARD OF SUPERVISORS TO SPREAD THE REASON THAT ANY RECOMMENDED ENTRY WAS NOT ENTERED UPON ITS MINUTES IF THE CLERK OF THE BOARD OF SUPERVISORS DECLINES TO MAKE THE ENTRY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-105-305, Mississippi Code of 1972, is amended as follows:

27-105-305. The board of supervisors at the regular December 1997 meeting, and annually thereafter or, in the discretion of the board of supervisors, * * * thereafter <u>at such other interval of time as determined by the board of supervisors, but no less frequently than every four (4) years</u>, shall give notice to all financial institutions in its county whose accounts are insured by the Federal Deposit Insurance Corporation (or any successor

thereto), by publication, that bids will be received from financial institutions at the following January meeting, or some subsequent meeting, for the privilege of keeping the county funds, or any part thereof, which notice shall refer by name to this article and it shall not be necessary to incorporate in the notice the provisions of this article; and at the January meeting, or a subsequent meeting as may be designated in the notice, as the case may be, the board of supervisors shall receive such bids or proposals as the financial institutions may make for the privilege of keeping the county funds, or any part thereof. The bids or proposals shall designate the kind of security as authorized by law which the financial institutions propose to give as security for funds, and the board shall cause the county funds and all other funds in the hands of the county treasurer to be deposited in the qualified financial institution or qualified institutions proposing the best terms, taking into consideration all material aspects of the proposal, including, but not limited to, net earnings, account costs, costs of transfer of accounts from existing depositories, banking services provided and other service considerations, and meeting the requirements provided in Section 27-105-315, having in view the safety of such funds. However, if a bank submits a bid or offer to the board of supervisors to act as a depository for the county and the bid or offer, if accepted, would result in a contract in which a member of the board of supervisors would have a direct or indirect interest, the board of

supervisors may elect to not open or consider any bids received and submit the matter to the State Treasurer. Upon receipt of the bids received from the board of supervisors, the State * * * Treasurer shall open and consider the bids received, select a depository or depositories, make all decisions and take any action within the authority of the board of supervisors under this section relating to the selection of a depository or depositories, including:

(a) The selecting and opening of accounts;

(b) Approval of securities;

(c) The transfer and deposit of funds between depositories; and

(d) All other related functions.

If the board of supervisors elects to open and consider the bids or offers, it shall not open or consider any bid which, if accepted, would result in a contract in which a member of the board of supervisors would have a direct or indirect interest.

SECTION 2. Section 31-7-13, Mississippi Code of 1972, is amended as follows:

31-7-13. All agencies and governing authorities shall purchase their commodities and printing; contract for garbage collection or disposal; contract for solid waste collection or disposal; contract for sewage collection or disposal; contract for public construction; and contract for rentals as herein provided.

(a) **Bidding procedure for purchases not over $5,000.00.** Purchases which do not involve an expenditure of more than Five Thousand Dollars ($5,000.00), exclusive of freight or shipping charges, may be made without advertising or otherwise requesting competitive bids. However, nothing contained in this paragraph (a) shall be construed to prohibit any agency or governing authority from establishing procedures which require competitive bids on purchases of Five Thousand Dollars ($5,000.00) or less.

(b) **Bidding procedure for purchases over $5,000.00 but not over $50,000.00.** Purchases which involve an expenditure of more than Five Thousand Dollars ($5,000.00) but not more than Fifty Thousand Dollars ($50,000.00), exclusive of freight and shipping charges, may be made from the lowest and best bidder without publishing or posting advertisement for bids, provided at least two (2) competitive written bids have been obtained. Any state agency or community/junior college purchasing commodities or procuring construction pursuant to this paragraph (b) may authorize its purchasing agent, or his designee, to accept the lowest competitive written bid under Fifty Thousand Dollars ($50,000.00). Any governing authority purchasing commodities pursuant to this paragraph (b) may authorize its purchasing agent, or his designee, with regard to governing authorities other than counties, or its purchase clerk, or his designee, with regard to counties, to accept the lowest and best competitive written bid. Such authorization shall be made in writing by the governing

authority and shall be maintained on file in the primary office of the agency and recorded in the official minutes of the governing authority, as appropriate. The purchasing agent or the purchase clerk, or * * * his designee, as the case may be, and not the governing authority, shall be liable for any penalties and/or damages as may be imposed by law for any act or omission of the purchasing agent or purchase clerk, or * * * his designee, constituting a violation of law in accepting any bid without approval by the governing authority. The term "competitive written bid" shall mean a bid submitted on a bid form furnished by the buying agency or governing authority and signed by authorized personnel representing the vendor, or a bid submitted on a vendor's letterhead or identifiable bid form and signed by authorized personnel representing the vendor. "Competitive" shall mean that the bids are developed based upon comparable identification of the needs and are developed independently and without knowledge of other bids or prospective bids. Any bid item for construction in excess of Five Thousand Dollars ($5,000.00) shall be broken down by components to provide detail of component description and pricing. These details shall be submitted with the written bids and become part of the bid evaluation criteria. Bids may be submitted by facsimile, electronic mail or other generally accepted method of information distribution. Bids submitted by electronic transmission shall not require the

signature of the vendor's representative unless required by agencies or governing authorities.

(c) **Bidding procedure for purchases over $50,000.00.**

(i) **Publication requirement.**

1. Purchases which involve an expenditure of more than Fifty Thousand Dollars ($50,000.00), exclusive of freight and shipping charges, may be made from the lowest and best bidder after advertising for competitive bids once each week for two (2) consecutive weeks in a regular newspaper published in the county or municipality in which such agency or governing authority is located. However, all American Recovery and Reinvestment Act projects in excess of Twenty-five Thousand Dollars ($25,000.00) shall be bid. All references to American Recovery and Reinvestment Act projects in this section shall not apply to programs identified in Division B of the American Recovery and Reinvestment Act.

2. Reverse auctions shall be the primary method for receiving bids during the bidding process. If a purchasing entity determines that a reverse auction is not in the best interest of the state, then that determination must be approved by the Public Procurement Review Board. The purchasing entity shall submit a detailed explanation of why a reverse auction would not be in the best interest of the state and present an alternative process to be approved by the Public Procurement Review Board. If the Public Procurement Review Board authorizes

the purchasing entity to solicit bids with a method other than reverse auction, then the purchasing entity may designate the other methods by which the bids will be received, including, but not limited to, bids sealed in an envelope, bids received electronically in a secure system, or bids received by any other method that promotes open competition and has been approved by the Office of Purchasing and Travel. However, reverse auction shall not be used for any public contract for design or construction of public facilities, including buildings, roads and bridges and term contracts as provided in paragraph (n) of this section. The Public Procurement Review Board must approve any contract entered into by alternative process. The provisions of this item 2 shall not apply to the individual state institutions of higher learning.

3. The date as published for the bid opening shall not be less than seven (7) working days after the last published notice; however, if the purchase involves a construction project in which the estimated cost is in excess of Fifty Thousand Dollars ($50,000.00), such bids shall not be opened in less than fifteen (15) working days after the last notice is published and the notice for the purchase of such construction shall be published once each week for two (2) consecutive weeks. However, all American Recovery and Reinvestment Act projects in excess of Twenty-five Thousand Dollars ($25,000.00) shall be bid. For any projects in excess of Twenty-five Thousand Dollars ($25,000.00) under the American Recovery and Reinvestment Act, publication

shall be made one (1) time and the bid opening for construction projects shall not be less than ten (10) working days after the date of the published notice. The notice of intention to let contracts or purchase equipment shall state the time and place at which bids shall be received, list the contracts to be made or types of equipment or supplies to be purchased, and, if all plans and/or specifications are not published, refer to the plans and/or specifications on file. If there is no newspaper published in the county or municipality, then such notice shall be given by posting same at the courthouse, or for municipalities at the city hall, and at two (2) other public places in the county or municipality, and also by publication once each week for two (2) consecutive weeks in some newspaper having a general circulation in the county or municipality in the above-provided manner. On the same date that the notice is submitted to the newspaper for publication, the agency or governing authority involved shall mail written notice to, or provide electronic notification to the main office of the Mississippi Procurement Technical Assistance Program under the Mississippi Development Authority that contains the same information as that in the published notice. Submissions received by the Mississippi Procurement Technical Assistance Program for projects funded by the American Recovery and Reinvestment Act shall be displayed on a separate and unique internet web page accessible to the public and maintained by the Mississippi Development Authority for the Mississippi Procurement Technical

Assistance Program. Those American Recovery and Reinvestment Act related submissions shall be publicly posted within twenty-four (24) hours of receipt by the Mississippi Development Authority and the bid opening shall not occur until the submission has been posted for ten (10) consecutive days. The Department of Finance and Administration shall maintain information regarding contracts and other expenditures from the American Recovery and Reinvestment Act, on a unique internet web page accessible to the public. The Department of Finance and Administration shall promulgate rules regarding format, content and deadlines, unless otherwise specified by law, of the posting of award notices, contract execution and subsequent amendments, links to the contract documents, expenditures against the awarded contracts and general expenditures of funds from the American Recovery and Reinvestment Act. Within one (1) working day of the contract award, the agency or governing authority shall post to the designated web page maintained by the Department of Finance and Administration, notice of the award, including the award recipient, the contract amount, and a brief summary of the contract in accordance with rules promulgated by the department. Within one (1) working day of the contract execution, the agency or governing authority shall post to the designated web page maintained by the Department of Finance and Administration a summary of the executed contract and make a copy of the appropriately redacted contract documents available for linking to the designated web page in accordance with the

rules promulgated by the department. The information provided by the agency or governing authority shall be posted to the web page for the duration of the American Recovery and Reinvestment Act funding or until the project is completed, whichever is longer.

(ii) **Bidding process amendment procedure.** If all plans and/or specifications are published in the notification, then the plans and/or specifications may not be amended. If all plans and/or specifications are not published in the notification, then amendments to the plans/specifications, bid opening date, bid opening time and place may be made, provided that the agency or governing authority maintains a list of all prospective bidders who are known to have received a copy of the bid documents and all such prospective bidders are sent copies of all amendments. This notification of amendments may be made via mail, facsimile, electronic mail or other generally accepted method of information distribution. No addendum to bid specifications may be issued within two (2) working days of the time established for the receipt of bids unless such addendum also amends the bid opening to a date not less than five (5) working days after the date of the addendum.

(iii) **Filing requirement.** In all cases involving governing authorities, before the notice shall be published or posted, the plans or specifications for the construction or equipment being sought shall be filed with the clerk of the board of the governing authority. In addition to these requirements, a

bid file shall be established which shall indicate those vendors to whom such solicitations and specifications were issued, and such file shall also contain such information as is pertinent to the bid.

(iv) **Specification restrictions.**

1. Specifications pertinent to such bidding shall be written so as not to exclude comparable equipment of domestic manufacture. However, if valid justification is presented, the Department of Finance and Administration or the board of a governing authority may approve a request for specific equipment necessary to perform a specific job. Further, such justification, when placed on the minutes of the board of a governing authority, may serve as authority for that governing authority to write specifications to require a specific item of equipment needed to perform a specific job. In addition to these requirements, from and after July 1, 1990, vendors of relocatable classrooms and the specifications for the purchase of such relocatable classrooms published by local school boards shall meet all pertinent regulations of the State Board of Education, including prior approval of such bid by the State Department of Education.

2. Specifications for construction projects may include an allowance for commodities, equipment, furniture, construction materials or systems in which prospective bidders are instructed to include in their bids specified amounts for such

items so long as the allowance items are acquired by the vendor in a commercially reasonable manner and approved by the agency/governing authority. Such acquisitions shall not be made to circumvent the public purchasing laws.

(v) **Electronic bids.** Agencies and governing authorities shall provide a secure electronic interactive system for the submittal of bids requiring competitive bidding that shall be an additional bidding option for those bidders who choose to submit their bids electronically. The Department of Finance and Administration shall provide, by regulation, the standards that agencies must follow when receiving electronic bids. Agencies and governing authorities shall make the appropriate provisions necessary to accept electronic bids from those bidders who choose to submit their bids electronically for all purchases requiring competitive bidding under this section. Any special condition or requirement for the electronic bid submission shall be specified in the advertisement for bids required by this section. Agencies or governing authorities that are currently without available high speed internet access shall be exempt from the requirement of this subparagraph (v) until such time that high speed internet access becomes available. Any county having a population of less than twenty thousand (20,000) shall be exempt from the provisions of this subparagraph (v). Any municipality having a population of less than ten thousand (10,000) shall be exempt from the provisions of this subparagraph (v). The provisions of this

subparagraph (v) shall not require any bidder to submit bids electronically. When construction bids are submitted electronically, the requirement for including a certificate of responsibility, or a statement that the bid enclosed does not exceed Fifty Thousand Dollars ($50,000.00), on the exterior of the bid envelope as indicated in Section 31-3-21(1) and (2) shall be deemed in compliance with by including same as an attachment with the electronic bid submittal.

(d) **Lowest and best bid decision procedure.**

(i) **Decision procedure.** Purchases may be made from the lowest and best bidder. In determining the lowest and best bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions and other relevant provisions may be included in the best bid calculation. All best bid procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. If any governing authority accepts a bid other than the lowest bid actually submitted, it shall place on its minutes detailed calculations and narrative summary showing that the accepted bid was determined to be the lowest and best bid, including the dollar amount of the accepted bid and the dollar amount of the lowest bid. No agency or governing authority shall accept a bid based on items not included in the specifications.

(ii) **Decision procedure for Certified Purchasing Offices.** In addition to the decision procedure set forth in subparagraph (i) of this paragraph (d), Certified Purchasing Offices may also use the following procedure: Purchases may be made from the bidder offering the best value. In determining the best value bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions, documented previous experience, training costs and other relevant provisions, including, but not limited to, a bidder having a local office and inventory located within the jurisdiction of the governing authority, may be included in the best value calculation. This provision shall authorize Certified Purchasing Offices to utilize a Request For Proposals (RFP) process when purchasing commodities. All best value procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. No agency or governing authority shall accept a bid based on items or criteria not included in the specifications.

(iii) **Decision procedure for Mississippi Landmarks.** In addition to the decision procedure set forth in subparagraph (i) of this paragraph (d), where purchase involves renovation, restoration, or both, of the State Capitol Building or any other historical building designated for at least five (5) years as a Mississippi Landmark by the Board of Trustees of the Department of Archives and History under the authority of Sections

39-7-7 and 39-7-11, the agency or governing authority may use the following procedure: Purchases may be made from the lowest and best prequalified bidder. Prequalification of bidders shall be determined not less than fifteen (15) working days before the first published notice of bid opening. Prequalification criteria shall be limited to bidder's knowledge and experience in historical restoration, preservation and renovation. In determining the lowest and best bid, freight and shipping charges shall be included. Life-cycle costing, total cost bids, warranties, guaranteed buy-back provisions and other relevant provisions may be included in the best bid calculation. All best bid and prequalification procedures for state agencies must be in compliance with regulations established by the Department of Finance and Administration. If any governing authority accepts a bid other than the lowest bid actually submitted, it shall place on its minutes detailed calculations and narrative summary showing that the accepted bid was determined to be the lowest and best bid, including the dollar amount of the accepted bid and the dollar amount of the lowest bid. No agency or governing authority shall accept a bid based on items not included in the specifications.

(iv) **Construction project negotiations authority.** If the lowest and best bid is not more than ten percent (10%) above the amount of funds allocated for a public construction or renovation project, then the agency or governing authority shall

be permitted to negotiate with the lowest bidder in order to enter into a contract for an amount not to exceed the funds allocated.

(e) **Lease-purchase authorization.** For the purposes of this section, the term "equipment" shall mean equipment, furniture and, if applicable, associated software and other applicable direct costs associated with the acquisition. Any lease-purchase of equipment which an agency is not required to lease-purchase under the master lease-purchase program pursuant to Section 31-7-10 and any lease-purchase of equipment which a governing authority elects to lease-purchase may be acquired by a lease-purchase agreement under this paragraph (e). Lease-purchase financing may also be obtained from the vendor or from a third-party source after having solicited and obtained at least two (2) written competitive bids, as defined in paragraph (b) of this section, for such financing without advertising for such bids. Solicitation for the bids for financing may occur before or after acceptance of bids for the purchase of such equipment or, where no such bids for purchase are required, at any time before the purchase thereof. No such lease-purchase agreement shall be for an annual rate of interest which is greater than the overall maximum interest rate to maturity on general obligation indebtedness permitted under Section 75-17-101, and the term of such lease-purchase agreement shall not exceed the useful life of equipment covered thereby as determined according to the upper limit of the asset depreciation range (ADR) guidelines for the

Class Life Asset Depreciation Range System established by the Internal Revenue Service pursuant to the United States Internal Revenue Code and regulations thereunder as in effect on December 31, 1980, or comparable depreciation guidelines with respect to any equipment not covered by ADR guidelines. Any lease-purchase agreement entered into pursuant to this paragraph (e) may contain any of the terms and conditions which a master lease-purchase agreement may contain under the provisions of Section 31-7-10(5), and shall contain an annual allocation dependency clause substantially similar to that set forth in Section 31-7-10(8). Each agency or governing authority entering into a lease-purchase transaction pursuant to this paragraph (e) shall maintain with respect to each such lease-purchase transaction the same information as required to be maintained by the Department of Finance and Administration pursuant to Section 31-7-10(13). However, nothing contained in this section shall be construed to permit agencies to acquire items of equipment with a total acquisition cost in the aggregate of less than Ten Thousand Dollars ($10,000.00) by a single lease-purchase transaction. All equipment, and the purchase thereof by any lessor, acquired by lease-purchase under this paragraph and all lease-purchase payments with respect thereto shall be exempt from all Mississippi sales, use and ad valorem taxes. Interest paid on any lease-purchase agreement under this section shall be exempt from State of Mississippi income taxation.

(f) **Alternate bid authorization.** When necessary to ensure ready availability of commodities for public works and the timely completion of public projects, no more than two (2) alternate bids may be accepted by a governing authority for commodities. No purchases may be made through use of such alternate bids procedure unless the lowest and best bidder cannot deliver the commodities contained in his bid. In that event, purchases of such commodities may be made from one (1) of the bidders whose bid was accepted as an alternate.

(g) **Construction contract change authorization.** In the event a determination is made by an agency or governing authority after a construction contract is let that changes or modifications to the original contract are necessary or would better serve the purpose of the agency or the governing authority, such agency or governing authority may, in its discretion, order such changes pertaining to the construction that are necessary under the circumstances without the necessity of further public bids; provided that such change shall be made in a commercially reasonable manner and shall not be made to circumvent the public purchasing statutes. In addition to any other authorized person, the architect or engineer hired by an agency or governing authority with respect to any public construction contract shall have the authority, when granted by an agency or governing authority, to authorize changes or modifications to the original contract without the necessity of prior approval of the agency or

governing authority when any such change or modification is less than one percent (1%) of the total contract amount. The agency or governing authority may limit the number, manner or frequency of such emergency changes or modifications.

(h) **Petroleum purchase alternative.** In addition to other methods of purchasing authorized in this chapter, when any agency or governing authority shall have a need for gas, diesel fuel, oils and/or other petroleum products in excess of the amount set forth in paragraph (a) of this section, such agency or governing authority may purchase the commodity after having solicited and obtained at least two (2) competitive written bids, as defined in paragraph (b) of this section. If two (2) competitive written bids are not obtained, the entity shall comply with the procedures set forth in paragraph (c) of this section. In the event any agency or governing authority shall have advertised for bids for the purchase of gas, diesel fuel, oils and other petroleum products and coal and no acceptable bids can be obtained, such agency or governing authority is authorized and directed to enter into any negotiations necessary to secure the lowest and best contract available for the purchase of such commodities.

(i) **Road construction petroleum products price adjustment clause authorization.** Any agency or governing authority authorized to enter into contracts for the construction, maintenance, surfacing or repair of highways, roads or streets,

may include in its bid proposal and contract documents a price adjustment clause with relation to the cost to the contractor, including taxes, based upon an industry-wide cost index, of petroleum products, including asphalt used in the performance or execution of the contract or in the production or manufacture of materials for use in such performance. Such industry-wide index shall be established and published monthly by the Mississippi Department of Transportation with a copy thereof to be mailed, upon request, to the clerks of the governing authority of each municipality and the clerks of each board of supervisors throughout the state. The price adjustment clause shall be based on the cost of such petroleum products only and shall not include any additional profit or overhead as part of the adjustment. The bid proposals or document contract shall contain the basis and methods of adjusting unit prices for the change in the cost of such petroleum products.

(j) **State agency emergency purchase procedure.** If the governing board or the executive head, or his designees, of any agency of the state shall determine that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interests of the state, then the head of such agency, or his designees, shall file with the Department of Finance and Administration (i) a statement explaining the conditions and circumstances of the emergency,

which shall include a detailed description of the events leading up to the situation and the negative impact to the entity if the purchase is made following the statutory requirements set forth in paragraph (a), (b) or (c) of this section, and (ii) a certified copy of the appropriate minutes of the board of such agency requesting the emergency purchase, if applicable. Upon receipt of the statement and applicable board certification, the State Fiscal Officer, or his designees, may, in writing, authorize the purchase or repair without having to comply with competitive bidding requirements.

If the governing board or the executive head, or his designees, of any agency determines that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would threaten the health or safety of any person, or the preservation or protection of property, then the provisions in this section for competitive bidding shall not apply, and any officer or agent of the agency having general or specific authority for making the purchase or repair contract shall approve the bill presented for payment, and he shall certify in writing from whom the purchase was made, or with whom the repair contract was made.

Total purchases made under this paragraph (j) shall only be for the purpose of meeting needs created by the emergency situation. Following the emergency purchase, documentation of the

purchase, including a description of the commodity purchased, the purchase price thereof and the nature of the emergency shall be filed with the Department of Finance and Administration. Any contract awarded pursuant to this paragraph (j) shall not exceed a term of one (1) year.

Purchases under the grant program established under Section 37-68-7 in response to COVID-19 and the directive that school districts create a distance learning plan and fulfill technology needs expeditiously shall be deemed an emergency purchase for purposes of this paragraph (j).

(k) **Governing authority emergency purchase procedure.** If the governing authority, or the governing authority acting through its designee, shall determine that an emergency exists in regard to the purchase of any commodities or repair contracts, so that the delay incident to giving opportunity for competitive bidding would be detrimental to the interest of the governing authority, then the provisions herein for competitive bidding shall not apply and any officer or agent of such governing authority having general or special authority therefor in making such purchase or repair shall approve the bill presented therefor, and he shall certify in writing thereon from whom such purchase was made, or with whom such a repair contract was made. At the board meeting next following the emergency purchase or repair contract, documentation of the purchase or repair contract, including a description of the commodity purchased, the price

thereof and the nature of the emergency shall be presented to the board and shall be placed on the minutes of the board of such governing authority. Purchases under the grant program established under Section 37-68-7 in response to COVID-19 and the directive that school districts create a distance learning plan and fulfill technology needs expeditiously shall be deemed an emergency purchase for purposes of this paragraph (k).

(l) **Hospital purchase, lease-purchase and lease authorization.**

(i) The commissioners or board of trustees of any public hospital may contract with such lowest and best bidder for the purchase or lease-purchase of any commodity under a contract of purchase or lease-purchase agreement whose obligatory payment terms do not exceed five (5) years.

(ii) In addition to the authority granted in subparagraph (i) of this paragraph (l), the commissioners or board of trustees is authorized to enter into contracts for the lease of equipment or services, or both, which it considers necessary for the proper care of patients if, in its opinion, it is not financially feasible to purchase the necessary equipment or services. Any such contract for the lease of equipment or services executed by the commissioners or board shall not exceed a maximum of five (5) years' duration and shall include a cancellation clause based on unavailability of funds. If such cancellation clause is exercised, there shall be no further

liability on the part of the lessee. Any such contract for the lease of equipment or services executed on behalf of the commissioners or board that complies with the provisions of this subparagraph (ii) shall be excepted from the bid requirements set forth in this section.

(m) **Exceptions from bidding requirements.** Excepted from bid requirements are:

(i) **Purchasing agreements approved by department.** Purchasing agreements, contracts and maximum price regulations executed or approved by the Department of Finance and Administration.

(ii) **Outside equipment repairs.** Repairs to equipment, when such repairs are made by repair facilities in the private sector; however, engines, transmissions, rear axles and/or other such components shall not be included in this exemption when replaced as a complete unit instead of being repaired and the need for such total component replacement is known before disassembly of the component; however, invoices identifying the equipment, specific repairs made, parts identified by number and name, supplies used in such repairs, and the number of hours of labor and costs therefor shall be required for the payment for such repairs.

(iii) **In-house equipment repairs.** Purchases of parts for repairs to equipment, when such repairs are made by personnel of the agency or governing authority; however, entire

assemblies, such as engines or transmissions, shall not be included in this exemption when the entire assembly is being replaced instead of being repaired.

(iv) **Raw gravel or dirt.** Raw unprocessed deposits of gravel or fill dirt which are to be removed and transported by the purchaser.

(v) **Governmental equipment auctions.** Motor vehicles or other equipment purchased from a federal agency or authority, another governing authority or state agency of the State of Mississippi, or any governing authority or state agency of another state at a public auction held for the purpose of disposing of such vehicles or other equipment. Any purchase by a governing authority under the exemption authorized by this subparagraph (v) shall require advance authorization spread upon the minutes of the governing authority to include the listing of the item or items authorized to be purchased and the maximum bid authorized to be paid for each item or items.

(vi) **Intergovernmental sales and transfers.** Purchases, sales, transfers or trades by governing authorities or state agencies when such purchases, sales, transfers or trades are made by a private treaty agreement or through means of negotiation, from any federal agency or authority, another governing authority or state agency of the State of Mississippi, or any state agency or governing authority of another state. Nothing in this section shall permit such purchases through public

auction except as provided for in subparagraph (v) of this paragraph (m). It is the intent of this section to allow governmental entities to dispose of and/or purchase commodities from other governmental entities at a price that is agreed to by both parties. This shall allow for purchases and/or sales at prices which may be determined to be below the market value if the selling entity determines that the sale at below market value is in the best interest of the taxpayers of the state. Governing authorities shall place the terms of the agreement and any justification on the minutes, and state agencies shall obtain approval from the Department of Finance and Administration, prior to releasing or taking possession of the commodities.

(vii) **Perishable supplies or food.** Perishable supplies or food purchased for use in connection with hospitals, the school lunch programs, homemaking programs and for the feeding of county or municipal prisoners.

(viii) **Single source items.** Noncompetitive items available from one (1) source only. In connection with the purchase of noncompetitive items only available from one (1) source, a certification of the conditions and circumstances requiring the purchase shall be filed by the agency with the Department of Finance and Administration and by the governing authority with the board of the governing authority. Upon receipt of that certification the Department of Finance and Administration or the board of the governing authority, as the case may be, may,

in writing, authorize the purchase, which authority shall be noted on the minutes of the body at the next regular meeting thereafter. In those situations, a governing authority is not required to obtain the approval of the Department of Finance and Administration. Following the purchase, the executive head of the state agency, or his designees, shall file with the Department of Finance and Administration, documentation of the purchase, including a description of the commodity purchased, the purchase price thereof and the source from whom it was purchased.

(ix) **Waste disposal facility construction contracts.** Construction of incinerators and other facilities for disposal of solid wastes in which products either generated therein, such as steam, or recovered therefrom, such as materials for recycling, are to be sold or otherwise disposed of; however, in constructing such facilities, a governing authority or agency shall publicly issue requests for proposals, advertised for in the same manner as provided herein for seeking bids for public construction projects, concerning the design, construction, ownership, operation and/or maintenance of such facilities, wherein such requests for proposals when issued shall contain terms and conditions relating to price, financial responsibility, technology, environmental compatibility, legal responsibilities and such other matters as are determined by the governing authority or agency to be appropriate for inclusion; and after responses to the request for proposals have been duly received,

the governing authority or agency may select the most qualified proposal or proposals on the basis of price, technology and other relevant factors and from such proposals, but not limited to the terms thereof, negotiate and enter contracts with one or more of the persons or firms submitting proposals.

(x) **Hospital group purchase contracts.** Supplies, commodities and equipment purchased by hospitals through group purchase programs pursuant to Section 31-7-38.

(xi) **Information technology products.** Purchases of information technology products made by governing authorities under the provisions of purchase schedules, or contracts executed or approved by the Mississippi Department of Information Technology Services and designated for use by governing authorities.

(xii) **Energy efficiency services and equipment.** Energy efficiency services and equipment acquired by school districts, community and junior colleges, institutions of higher learning and state agencies or other applicable governmental entities on a shared-savings, lease or lease-purchase basis pursuant to Section 31-7-14.

(xiii) **Municipal electrical utility system fuel.** Purchases of coal and/or natural gas by municipally owned electric power generating systems that have the capacity to use both coal and natural gas for the generation of electric power.

(xiv) **Library books and other reference materials.** Purchases by libraries or for libraries of books and periodicals; processed film, videocassette tapes, filmstrips and slides; recorded audiotapes, cassettes and diskettes; and any such items as would be used for teaching, research or other information distribution; however, equipment such as projectors, recorders, audio or video equipment, and monitor televisions are not exempt under this subparagraph.

(xv) **Unmarked vehicles.** Purchases of unmarked vehicles when such purchases are made in accordance with purchasing regulations adopted by the Department of Finance and Administration pursuant to Section 31-7-9(2).

(xvi) **Election ballots.** Purchases of ballots printed pursuant to Section 23-15-351.

(xvii) **Multichannel interactive video systems.** From and after July 1, 1990, contracts by Mississippi Authority for Educational Television with any private educational institution or private nonprofit organization whose purposes are educational in regard to the construction, purchase, lease or lease-purchase of facilities and equipment and the employment of personnel for providing multichannel interactive video systems (ITSF) in the school districts of this state.

(xviii) **Purchases of prison industry products by the Department of Corrections, regional correctional facilities or privately owned prisons.** Purchases made by the Mississippi

Department of Corrections, regional correctional facilities or privately owned prisons involving any item that is manufactured, processed, grown or produced from the state's prison industries.

(xix) **Undercover operations equipment.** Purchases of surveillance equipment or any other high-tech equipment to be used by law enforcement agents in undercover operations, provided that any such purchase shall be in compliance with regulations established by the Department of Finance and Administration.

(xx) **Junior college books for rent.** Purchases by community or junior colleges of textbooks which are obtained for the purpose of renting such books to students as part of a book service system.

(xxi) **Certain school district purchases.** Purchases of commodities made by school districts from vendors with which any levying authority of the school district, as defined in Section 37-57-1, has contracted through competitive bidding procedures for purchases of the same commodities.

(xxii) **Garbage, solid waste and sewage contracts.** Contracts for garbage collection or disposal, contracts for solid waste collection or disposal and contracts for sewage collection or disposal.

(xxiii) **Municipal water tank maintenance contracts.** Professional maintenance program contracts for the repair or maintenance of municipal water tanks, which provide professional services needed to maintain municipal water storage

tanks for a fixed annual fee for a duration of two (2) or more years.

(xxiv) **Purchases of Mississippi Industries for the Blind products.** Purchases made by state agencies or governing authorities involving any item that is manufactured, processed or produced by the Mississippi Industries for the Blind.

(xxv) **Purchases of state-adopted textbooks.** Purchases of state-adopted textbooks by public school districts.

(xxvi) **Certain purchases under the Mississippi Major Economic Impact Act.** Contracts entered into pursuant to the provisions of Section 57-75-9(2), (3) and (4).

(xxvii) **Used heavy or specialized machinery or equipment for installation of soil and water conservation practices purchased at auction.** Used heavy or specialized machinery or equipment used for the installation and implementation of soil and water conservation practices or measures purchased subject to the restrictions provided in Sections 69-27-331 through 69-27-341. Any purchase by the State Soil and Water Conservation Commission under the exemption authorized by this subparagraph shall require advance authorization spread upon the minutes of the commission to include the listing of the item or items authorized to be purchased and the maximum bid authorized to be paid for each item or items.

(xxviii) **Hospital lease of equipment or services.** Leases by hospitals of equipment or services if the leases are in compliance with paragraph (l)(ii).

(xxix) **Purchases made pursuant to qualified cooperative purchasing agreements.** Purchases made by certified purchasing offices of state agencies or governing authorities under cooperative purchasing agreements previously approved by the Office of Purchasing and Travel and established by or for any municipality, county, parish or state government or the federal government, provided that the notification to potential contractors includes a clause that sets forth the availability of the cooperative purchasing agreement to other governmental entities. Such purchases shall only be made if the use of the cooperative purchasing agreements is determined to be in the best interest of the governmental entity.

(xxx) **School yearbooks.** Purchases of school yearbooks by state agencies or governing authorities; provided, however, that state agencies and governing authorities shall use for these purchases the RFP process as set forth in the Mississippi Procurement Manual adopted by the Office of Purchasing and Travel.

(xxxi) **Design-build method and dual-phase design-build method of contracting.** Contracts entered into under the provisions of Section 31-7-13.1, 37-101-44 or 65-1-85.

(xxxii) **Toll roads and bridge construction projects.** Contracts entered into under the provisions of Section 65-43-1 or 65-43-3.

(xxxiii) **Certain purchases under Section 57-1-221.** Contracts entered into pursuant to the provisions of Section 57-1-221.

(xxxiv) **Certain transfers made pursuant to the provisions of Section 57-105-1(7).** Transfers of public property or facilities under Section 57-105-1(7) and construction related to such public property or facilities.

(xxxv) **Certain purchases or transfers entered into with local electrical power associations.** Contracts or agreements entered into under the provisions of Section 55-3-33.

(xxxvi) **Certain purchases by an academic medical center or health sciences school.** Purchases by an academic medical center or health sciences school, as defined in Section 37-115-50, of commodities that are used for clinical purposes and 1. intended for use in the diagnosis of disease or other conditions or in the cure, mitigation, treatment or prevention of disease, and 2. medical devices, biological, drugs and radiation-emitting devices as defined by the United States Food and Drug Administration.

(xxxvii) **Certain purchases made under the Alyce G. Clarke Mississippi Lottery Law.** Contracts made by the Mississippi

Lottery Corporation pursuant to the Alyce G. Clarke Mississippi Lottery Law.

(n) **Term contract authorization.** All contracts for the purchase of:

(i) All contracts for the purchase of commodities, equipment and public construction (including, but not limited to, repair and maintenance), may be let for periods of not more than sixty (60) months in advance, subject to applicable statutory provisions prohibiting the letting of contracts during specified periods near the end of terms of office. Term contracts for a period exceeding twenty-four (24) months shall also be subject to ratification or cancellation by governing authority boards taking office subsequent to the governing authority board entering the contract.

(ii) Bid proposals and contracts may include price adjustment clauses with relation to the cost to the contractor based upon a nationally published industry-wide or nationally published and recognized cost index. The cost index used in a price adjustment clause shall be determined by the Department of Finance and Administration for the state agencies and by the governing board for governing authorities. The bid proposal and contract documents utilizing a price adjustment clause shall contain the basis and method of adjusting unit prices for the change in the cost of such commodities, equipment and public construction.

(o) **Purchase law violation prohibition and vendor penalty.** No contract or purchase as herein authorized shall be made for the purpose of circumventing the provisions of this section requiring competitive bids, nor shall it be lawful for any person or concern to submit individual invoices for amounts within those authorized for a contract or purchase where the actual value of the contract or commodity purchased exceeds the authorized amount and the invoices therefor are split so as to appear to be authorized as purchases for which competitive bids are not required. Submission of such invoices shall constitute a misdemeanor punishable by a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00), or by imprisonment for thirty (30) days in the county jail, or both such fine and imprisonment. In addition, the claim or claims submitted shall be forfeited.

(p) **Electrical utility petroleum-based equipment purchase procedure.** When in response to a proper advertisement therefor, no bid firm as to price is submitted to an electric utility for power transformers, distribution transformers, power breakers, reclosers or other articles containing a petroleum product, the electric utility may accept the lowest and best bid therefor although the price is not firm.

(q) **Fuel management system bidding procedure.** Any governing authority or agency of the state shall, before contracting for the services and products of a fuel management or

fuel access system, enter into negotiations with not fewer than two (2) sellers of fuel management or fuel access systems for competitive written bids to provide the services and products for the systems. In the event that the governing authority or agency cannot locate two (2) sellers of such systems or cannot obtain bids from two (2) sellers of such systems, it shall show proof that it made a diligent, good-faith effort to locate and negotiate with two (2) sellers of such systems. Such proof shall include, but not be limited to, publications of a request for proposals and letters soliciting negotiations and bids. For purposes of this paragraph (q), a fuel management or fuel access system is an automated system of acquiring fuel for vehicles as well as management reports detailing fuel use by vehicles and drivers, and the term "competitive written bid" shall have the meaning as defined in paragraph (b) of this section. Governing authorities and agencies shall be exempt from this process when contracting for the services and products of fuel management or fuel access systems under the terms of a state contract established by the Office of Purchasing and Travel.

(r) **Solid waste contract proposal procedure.** Before entering into any contract for garbage collection or disposal, contract for solid waste collection or disposal or contract for sewage collection or disposal, which involves an expenditure of more than Fifty Thousand Dollars ($50,000.00), a governing authority or agency shall issue publicly a request for proposals

concerning the specifications for such services which shall be advertised for in the same manner as provided in this section for seeking bids for purchases which involve an expenditure of more than the amount provided in paragraph (c) of this section. Any request for proposals when issued shall contain terms and conditions relating to price, financial responsibility, technology, legal responsibilities and other relevant factors as are determined by the governing authority or agency to be appropriate for inclusion; all factors determined relevant by the governing authority or agency or required by this paragraph (r) shall be duly included in the advertisement to elicit proposals. After responses to the request for proposals have been duly received, the governing authority or agency shall select the most qualified proposal or proposals on the basis of price, technology and other relevant factors and from such proposals, but not limited to the terms thereof, negotiate and enter into contracts with one or more of the persons or firms submitting proposals. If the governing authority or agency deems none of the proposals to be qualified or otherwise acceptable, the request for proposals process may be reinitiated. Notwithstanding any other provisions of this paragraph, where a county with at least thirty-five thousand (35,000) nor more than forty thousand (40,000) population, according to the 1990 federal decennial census, owns or operates a solid waste landfill, the governing authorities of any other county or municipality may contract with the governing

authorities of the county owning or operating the landfill, pursuant to a resolution duly adopted and spread upon the minutes of each governing authority involved, for garbage or solid waste collection or disposal services through contract negotiations.

(s) **Minority set-aside authorization.** Notwithstanding any provision of this section to the contrary, any agency or governing authority, by order placed on its minutes, may, in its discretion, set aside not more than twenty percent (20%) of its anticipated annual expenditures for the purchase of commodities from minority businesses; however, all such set-aside purchases shall comply with all purchasing regulations promulgated by the Department of Finance and Administration and shall be subject to bid requirements under this section. Set-aside purchases for which competitive bids are required shall be made from the lowest and best minority business bidder. For the purposes of this paragraph, the term "minority business" means a business which is owned by a majority of persons who are United States citizens or permanent resident aliens (as defined by the Immigration and Naturalization Service) of the United States, and who are Asian, Black, Hispanic or Native American, according to the following definitions:

(i) "Asian" means persons having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

(ii) "Black" means persons having origins in any black racial group of Africa.

(iii) "Hispanic" means persons of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race.

(iv) "Native American" means persons having origins in any of the original people of North America, including American Indians, Eskimos and Aleuts.

(t) **Construction punch list restriction.** The architect, engineer or other representative designated by the agency or governing authority that is contracting for public construction or renovation may prepare and submit to the contractor only one (1) preliminary punch list of items that do not meet the contract requirements at the time of substantial completion and one (1) final list immediately before final completion and final payment.

(u) **Procurement of construction services by state institutions of higher learning.** Contracts for privately financed construction of auxiliary facilities on the campus of a state institution of higher learning may be awarded by the Board of Trustees of State Institutions of Higher Learning to the lowest and best bidder, where sealed bids are solicited, or to the offeror whose proposal is determined to represent the best value to the citizens of the State of Mississippi, where requests for proposals are solicited.

(v) **Insurability of bidders for public construction or other public contracts.** In any solicitation for bids to perform public construction or other public contracts to which this section applies, including, but not limited to, contracts for repair and maintenance, for which the contract will require insurance coverage in an amount of not less than One Million Dollars ($1,000,000.00), bidders shall be permitted to either submit proof of current insurance coverage in the specified amount or demonstrate ability to obtain the required coverage amount of insurance if the contract is awarded to the bidder. Proof of insurance coverage shall be submitted within five (5) business days from bid acceptance.

(w) **Purchase authorization clarification.** Nothing in this section shall be construed as authorizing any purchase not authorized by law.

SECTION 3. In order for the county's financial records to fairly represent the financial condition of the county as of the date of the external audit, the clerk of the board of supervisors or, where applicable, the county administrator shall record into the county's accounting system the year-end adjusting accounting entries recommended by the county's external independent financial auditors selected by the Office of the State Auditor. If the clerk of the board of supervisors or, where applicable, the county administrator declines to make any year-end adjusting accounting entries recommended by the external financial auditors, the board

of supervisors shall spread upon the board's minutes the reasons why the recommended year-end accounting entries were not entered into the county's accounting system and the impact that not including the recommended year-end accounting entries in the county's financial records will have regarding the fair representation of the financial condition of the county.

SECTION 4. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2062

Description: Rural Fire Truck Acquisition Assistance Program; authorize an additional round for counties and municipalities.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/05	(S) Referred To Appropriations
2	01/28	(S) Title Suff Do Pass Comm Sub
3	02/11	(S) Committee Substitute Adopted
4	02/11	(S) Passed {Vote}
5	02/12	(S) Transmitted To House
6	02/26	(H) Referred To Appropriations
7	03/02	(H) Title Suff Do Pass As Amended
8	03/03	(H) Amended
9	03/03	(H) Passed As Amended {Vote}
10	03/03	(H) Immediate Release
11	03/03	(H) Returned For Concurrence
12	03/18	(S) Decline to Concur/Invite Conf
13	03/22	(S) Conferees Named Hopson,Michel,Tate
14	03/22	(H) Conferees Named Read,Oliver,White
15	03/29	(S) Conference Report Filed
16	03/29	(H) Conference Report Filed
17	03/30	(H) Conference Report Adopted {Vote}
18	03/30	(S) Conference Report Adopted {Vote}
19	04/01	(S) Enrolled Bill Signed
20	04/01	(H) Enrolled Bill Signed
21	04/16	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2062

Conference Reports:

| Conference Report

Code Section: A 017-0023-0001

----- Additional Information -----

Senate Committee: Appropriations
House Committee: Appropriations

Principal Author: Hill
Additional Authors: Branning, Sparks, Jackson (11th), Butler, Suber, Chism, Boyd

Title: AN ACT TO AMEND SECTION 17-23-1, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AN ADDITIONAL ROUND OF FIRE TRUCKS FOR COUNTIES AND MUNICIPALITIES UNDER THE RURAL FIRE TRUCK ACQUISITION ASSISTANCE PROGRAM; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Hill, Branning, Sparks, Jackson (11th), Butler, Suber, Chism, Boyd

To: Appropriations

SENATE BILL NO. 2062
(As Sent to Governor)

AN ACT TO AMEND SECTION 17-23-1, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AN ADDITIONAL ROUND OF FIRE TRUCKS FOR COUNTIES AND MUNICIPALITIES UNDER THE RURAL FIRE TRUCK ACQUISITION ASSISTANCE PROGRAM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 17-23-1, Mississippi Code of 1972, is amended as follows:

17-23-1. (1) There is established the Rural Fire Truck Acquisition Assistance Program to be administered by the Department of Insurance for the purpose of assisting counties and municipalities in the acquisition of fire trucks.

(2) There is created in the State Treasury a special fund to be designated as the "Rural Fire Truck Fund." The Legislature may appropriate that amount necessary to fulfill the obligations created under this section by the Department of Insurance, from the State General Fund to such special fund, which sum shall be added to the remainder of the money transferred on July 1, 1995, and during the 1996 Regular Session to the Rural Fire Truck Fund. Unexpended amounts remaining in the fund at the end of a fiscal

year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund. Unobligated amounts remaining in the Rural Fire Truck Fund, Fund No. 3507, or in any fund created for funds appropriated or otherwise made available for this program, may be used as matching funds by any county with remaining eligibility as provided herein. It is the intent of the Legislature that the Department of Insurance continue to accept applications from the counties for fire trucks as provided in subsection (3) of this section.

(3) (a) A county that meets the requirements provided herein may receive an amount not to exceed * * * Nine Hundred Twenty Thousand Dollars ($920,000.00) as provided in subparagraphs (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), (xi), (xii) * * *, (xiii) and (xiv) of this paragraph, and such amount shall be divided as follows: an amount of not more than Fifty Thousand Dollars ($50,000.00) per fire truck for the first six (6) trucks and not more than Seventy Thousand Dollars ($70,000.00) per fire truck for the seventh, eighth, ninth, tenth and eleventh trucks, and not more than Ninety Thousand Dollars ($90,000.00) per fire truck for the twelfth * * *, thirteenth and fourteenth truck. Monies distributed under this chapter shall be expended only for the purchase of new fire trucks and such trucks must meet the National Fire Protection Association (NFPA) standards in the 1900 series.

(i) Any county that has not applied for a fire truck under this section is eligible to submit applications for * * * fourteen (14) fire trucks as follows: six (6) fire trucks at not more than Fifty Thousand Dollars ($50,000.00) per truck and five (5) fire trucks at not more than Seventy Thousand Dollars ($70,000.00) per truck, and * * * three (3) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck or a total of * * * Nine Hundred Twenty Thousand Dollars ($920,000.00).

(ii) Any county that has received one (1) fire truck under this section is eligible to submit applications for * * * thirteen (13) fire trucks as follows: five (5) fire trucks at not more than Fifty Thousand Dollars ($50,000.00) per truck and five (5) fire trucks at not more than Seventy Thousand Dollars ($70,000.00) per truck, and * * * three (3) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck or a total of * * * Eight Hundred Seventy Thousand Dollars ($870,000.00).

(iii) Any county that has received two (2) fire trucks under this section is eligible to submit an application for * * * twelve (12) fire trucks as follows: four (4) fire trucks at not more than Fifty Thousand Dollars ($50,000.00) per truck and five (5) fire trucks at not more than Seventy Thousand Dollars ($70,000.00) per truck, and * * * three (3) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck or a

total of not more than * * * Eight Hundred Twenty Thousand Dollars ($820,000.00).

(iv) Any county that has received three (3) fire trucks under this section is eligible to submit an application for * * * eleven (11) fire trucks as follows: three (3) fire trucks at not more than Fifty Thousand Dollars ($50,000.00) per truck and five (5) fire trucks at not more than Seventy Thousand Dollars ($70,000.00) per truck, and * * * three (3) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck or a total of not more than * * * Seven Hundred Seventy Thousand Dollars ($770,000.00).

(v) Any county that has received four (4) fire trucks under this section is eligible to submit an application for * * * ten (10) fire trucks as follows: two (2) fire trucks at not more than Fifty Thousand Dollars ($50,000.00) per truck and five (5) fire trucks at not more than Seventy Thousand Dollars ($70,000.00) per truck, and * * * three (3) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck or a total of not more than * * * Seven Hundred Twenty Thousand Dollars ($720,000.00).

(vi) Any county that has received five (5) fire trucks under this section is eligible to submit an application for * * * nine (9) fire trucks as follows: one (1) fire truck at not more than Fifty Thousand Dollars ($50,000.00) per truck and five (5) fire trucks at not more than Seventy Thousand Dollars

($70,000.00) per truck, and * * * three (3) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck or a total of not more than * * * Six Hundred Seventy Thousand Dollars ($670,000.00).

(vii) Any county that has received six (6) fire trucks under this section is eligible to submit an application for * * * eight (8) fire trucks as follows: five (5) fire trucks at not more than Seventy Thousand Dollars ($70,000.00) per truck, and * * * three (3) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck or a total of not more than * * * Six Hundred Twenty Thousand Dollars ($620,000.00).

(viii) Any county that has received seven (7) fire trucks under this section is eligible to submit an application for * * * seven (7) fire trucks as follows: four (4) fire trucks at not more than Seventy Thousand Dollars ($70,000.00) per truck, and * * * three (3) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck or a total of not more than * * * Five Hundred Fifty Thousand Dollars ($550,000.00).

(ix) Any county that has received eight (8) fire trucks under this section is eligible to submit an application for * * * six (6) fire trucks as follows: three (3) fire trucks at not more than Seventy Thousand Dollars ($70,000.00) per truck, and * * * three (3) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck or a total of not more than * * * Four Hundred Eighty Thousand Dollars ($480,000.00).

(x) Any county that has received nine (9) fire trucks under this section is eligible to submit an application for * * * five (5) fire trucks as follows: two (2) fire trucks at not more than Seventy Thousand Dollars ($70,000.00) per truck, and * * * three (3) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck or a total of not more than * * * Four Hundred Ten Thousand Dollars ($410,000.00).

(xi) Any county that has received ten (10) fire trucks under this section is eligible to submit an application for * * * four (4) fire trucks as follows: one (1) fire truck at not more than Seventy Thousand Dollars ($70,000.00) per truck, and * * * three (3) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck or a total of not more than * * * Three Hundred Forty Thousand Dollars ($340,000.00).

(xii) Any county that has received eleven (11) fire trucks under this section is eligible to submit an application for * * * three (3) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck.

(xiii) Any county may apply for * * * three (3) fire trucks at not more than Ninety Thousand Dollars ($90,000.00) per truck as provided in subparagraph (xii), provided that the county agrees to forego any previous fire truck under subparagraphs (i) through (xi) for which the county has not previously applied, and that the county has received approval from

the Rural Fire Truck Acquisition Assistance Program Committee to apply for and receive a truck under subparagraph (xii).

(b) The board of supervisors of the county shall submit its request for the receipt of monies to the Department of Insurance. A committee composed of the Commissioner of Insurance, the State Fire Coordinator, the Director of the Rating Bureau and the Director of the State Fire Academy shall review the requests by the boards of supervisors and shall determine whether the county or municipality for which the board of supervisors has requested a truck meets the requirements of eligibility under this chapter.

(c) To be eligible to receive monies under this chapter:

(i) A county or municipality must pledge to set aside or dedicate each year as matching funds, for a period not to extend over ten (10) years, local funds in an amount equal to or not less than one-tenth (1/10) of the amount of monies for which it is requesting distribution from the Rural Fire Truck Fund, which pledged monies may be derived from local ad valorem tax authorized by law or from any other funds available to the county or municipality, except for those funds received by municipalities or counties from the Municipal Fire Protection Fund or the County Volunteer Fire Department Fund, as defined in Sections 83-1-37 and 83-1-39.

(ii) A municipality must provide adequate documentation of its contract with the county that requires the municipality to provide fire protection in rural areas. The term "rural areas" means any area within the county located outside the boundaries of an incorporated municipality or any incorporated municipality with a population of two thousand five hundred (2,500) or less.

(d) The Department of Insurance shall maintain an accurate record of all monies distributed to counties and municipalities and the number of fire trucks purchased and the cost for each fire truck, such records to be kept separate from other records of the Department of Insurance; notify counties and municipalities of the Rural Fire Truck Acquisition Assistance Program and the requirements for them to become eligible to participate; adopt and promulgate such rules and regulations as may be necessary and desirable to implement the provisions of this chapter; and file with the Legislature a report detailing how monies made available under this chapter were distributed and spent during the preceding portion of the fiscal year in each county and municipality, the number of fire trucks purchased, the counties and municipalities making such purchases, and the cost of each fire truck purchased.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2121

Description: Intimate visual material; criminalize disclosure of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/08	(S) Referred To Judiciary, Division B
2	01/27	(S) Title Suff Do Pass Comm Sub
3	02/04	(S) Committee Substitute Adopted
4	02/04	(S) Amendment Failed
5	02/04	(S) Passed {Vote}
6	02/05	(S) Motion to Reconsider Entered
7	02/12	(S) Motion to Reconsider Tabled
8	02/12	(S) Transmitted To House
9	02/26	(H) Referred To Judiciary B
10	03/02	(H) Title Suff Do Pass As Amended
11	03/10	(H) Amended
12	03/10	(H) Passed As Amended {Vote}
13	03/11	(H) Returned For Concurrence
14	03/15	(S) Decline to Concur/Invite Conf
15	03/18	(S) Conferees Named Fillingane,England,Thomas
16	03/22	(H) Conferees Named Bain,Owen,Ford (73rd)
17	03/26	(S) Conference Report Filed
18	03/26	(H) Conference Report Filed
19	03/27	(H) Conference Report Adopted {Vote}
20	03/27	(S) Conference Report Adopted {Vote}
21	03/31	(S) Enrolled Bill Signed
22	03/31	(H) Enrolled Bill Signed
23	04/16	Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub)Lost Voice Vote
[H] Committee Amendment No 1 ***Adopted***
Amendment Report for Senate Bill No. 2121

Conference Reports:
Conference Report

----- Additional Information -----

Senate Committee: Judiciary, Division B
House Committee: Judiciary B

Principal Author: Fillingane
Additional Authors: England

Title: AN ACT TO CRIMINALIZE THE DISCLOSURE WITHOUT CONSENT OF INTIMATE VISUAL MATERIAL; TO DEFINE TERMS; TO PROVIDE PENALTIES FOR THE CRIME; TO ENUMERATE CERTAIN DEFENSES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Fillingane, England To: Judiciary, Division B

SENATE BILL NO. 2121
(As Sent to Governor)

AN ACT TO CRIMINALIZE THE DISCLOSURE WITHOUT CONSENT OF INTIMATE VISUAL MATERIAL; TO DEFINE TERMS; TO PROVIDE PENALTIES FOR THE CRIME; TO ENUMERATE CERTAIN DEFENSES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. As used in this section:

(a) "Intimate parts" means the naked genitals, pubic area, anus, buttocks or female nipple of a person.

(b) "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit or advertise or to offer or agree to promote.

(c) "Sexual conduct" means sexual contact, actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation or sadomasochistic abuse.

(d) "Simulated" means the explicit depiction of sexual conduct that creates the appearance of actual sexual conduct and during which a person engaging in the conduct exhibits any uncovered portion of the genitals, buttocks or female nipple.

(e) "Visual material" means:

(i) Any film, photograph, videotape, negative or slide or any photographic reproduction that contains or incorporates in any manner any film, photograph, videotape, negative or slide; or

(ii) Any disk, diskette or other physical medium that allows an image to be displayed on a computer or other video screen and any image transmitted to a computer or other video screen by telephone line, cable, satellite transmission, or other method.

SECTION 2. (1) A person commits an offense if:

(a) Without the effective consent of the depicted person and with the intent to harm the depicted person, the offender discloses visual material depicting another person with the depicted person's intimate parts exposed or engaged in sexual conduct;

(b) At the time of the disclosure, the offender knows or has reason to believe that the visual material was obtained by the offender or created under circumstances in which the depicted person had a reasonable expectation that the visual material would remain private;

(c) The disclosure of the visual material causes harm to the depicted person; and

(d) The disclosure of the visual material reveals the identity of the depicted person in any manner, including through:

(i) Any accompanying or subsequent information or material related to the visual material; or

(ii) Information or material provided by a third party in response to the disclosure of the visual material.

(2) A person commits an offense if the offender intentionally threatens to disclose, without the consent of the depicted person, visual material depicting another person with the depicted person's intimate parts exposed or engaged in sexual conduct and the offender makes the threat to obtain a benefit:

(a) In return for not making the disclosure; or

(b) In connection with the threatened disclosure.

(3) A person commits an offense if, knowing the character and content of the visual material, the offender promotes visual material described by subsection (1) of this section on an internet website or other forum for publication that is owned or operated by the offender.

(4) It is not a defense to prosecution under this section that the depicted person:

(a) Created or consented to the creation of the visual material; or

(b) Voluntarily transmitted the visual material to the actor.

(5) It is an affirmative defense to prosecution under subsection (1) or (3) of this section that:

(a) The disclosure or promotion is made in the course of:

(i) Lawful and common practices of law enforcement or medical treatment;

(ii) Reporting unlawful activity; or

(iii) A legal proceeding, if the disclosure or promotion is permitted or required by law; or

(b) The disclosure or promotion consists of visual material depicting in a public or commercial setting only a person's voluntary exposure of:

(i) The person's intimate parts; or

(ii) The person engaging in sexual conduct.

(6) Where content is provided by another person or entity, nothing in this act shall be construed to impose criminal liability on the following:

(a) An internet service provider;

(b) an interactive computer service, as defined in 47 USC Section 230;

(c) A provider of an electronic communications service, as defined in 18 USC Section 2510;

(d) A telecommunications service, information service or mobile service, as defined in 47 USC Section 153, including a commercial mobile service, as defined in 47 USC Section 332(d); or

(e) A cable operator, as defined in 47 USC Section 522.

(7) (a) A first offense under this section is a misdemeanor and, upon conviction, shall be punished by imprisonment in the county jail not exceeding six (6) months or by a fine not exceeding One Thousand Dollars ($1,000.00), or both.

(b) A second or subsequent violation of this section is a felony and, upon conviction, shall be punished by imprisonment not exceeding one (1) year or by a fine not exceeding Two Thousand Dollars ($2,000.00), or both.

(c) Notwithstanding paragraphs (a) and (b) of this subsection, any offense under this section committed for financial profit shall constitute a felony and, upon conviction, shall be punished by imprisonment not exceeding one (1) year or by fine not exceeding Two Thousand Dollars ($2,000.00), or both.

(8) A person shall be subject to prosecution in this state for any conduct made unlawful by this section which the person engages in while:

(a) Either within or outside of this state if, by such conduct, the person commits a violation of this section which involves an individual who resides in this state; or

(b) Within this state if, by such conduct, the person commits a violation of this section which involves an individual who resides within or outside this state.

(9) The provisions of this section are supplementary to the provisions of any other statute of this state. If conduct that constitutes an offense under this section also constitutes an

offense under another law, the actor may be prosecuted under this section, the other law, or both.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2261

Description: Perpetual care cemetaries; authorize counties and cities to clean property of those not properly maintained and seek reimbursement.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/12	(S)	Referred To Municipalities; County Affairs
2	02/01	(S)	DR - TSDPCS: MU To CA
3	02/01	(S)	Title Suff Do Pass Comm Sub
4	02/11	(S)	Committee Substitute Adopted
5	02/11	(S)	Passed {Vote}
6	02/12	(S)	Transmitted To House
7	02/23	(H)	Referred To Municipalities; County Affairs
8	03/02	(H)	DR - TSDPAA: MU To CA
9	03/02	(H)	DR - TSDPAA: CA To MU
10	03/02	(H)	Title Suff Do Pass As Amended
11	03/09	(H)	Amended
12	03/09	(H)	Passed As Amended {Vote}
13	03/10	(H)	Returned For Concurrence
14	03/11	(S)	Decline to Concur/Invite Conf
15	03/11	(S)	Motion to Reconsider Entered
16	03/15	(S)	Motion to Reconsider Tabled
17	03/16	(S)	Conferees Named Simmons (12th),Hill,Barrett
18	03/22	(H)	Conferees Named Rushing,Tullos,Byrd
19	03/29	(S)	Conference Report Filed
20	03/29	(H)	Conference Report Filed
21	03/30	(H)	Conference Report Adopted {Vote}
22	03/30	(S)	Conference Report Adopted {Vote}
23	04/01	(S)	Enrolled Bill Signed
24	04/01	(H)	Enrolled Bill Signed
25	04/16		Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2261

Conference Reports:

| Conference Report

Code Section: A 019-0005-0105, A 021-0019-0011, A 041-0043-0057

----- Additional Information -----

Senate Committee: Municipalities, County Affairs
House Committee: Municipalities, County Affairs

Principal Author: England

Title: AN ACT TO AMEND SECTIONS 19-5-105 AND 21-19-11, MISSISSIPPI CODE OF 1972, TO AUTHORIZE COUNTIES AND MUNICIPALITIES TO CLEAN PROPERTY OR PARCELS OF LAND OF PERPETUAL CARE CEMETERIES THAT ARE NOT BEING PROPERLY MAINTAINED AND HAVE BECOME DETRIMENTAL TO THE PUBLIC HEALTH AND WELFARE; TO PRESCRIBE NOTICE AND HEARING REQUIREMENTS AND AN ADJUDICATION BY THE COUNTY OR MUNICIPALITY BEFORE IT MAY CLEAN THE PROPERTY; TO AUTHORIZE THE COUNTY OR MUNICIPALITY TO MAKE APPLICATION TO THE SECRETARY OF STATE FOR AN ORDER DIRECTING THE TRUSTEE OF THE PERPETUAL CARE CEMETERY TRUST FUND TO RELEASE ACCRUED INTEREST OR PRINCIPAL OF THE TRUST FUND SUFFICIENT TO REIMBURSE THE COUNTY OR MUNICIPALITY FOR ONLY THE ACTUAL CLEANUP COSTS INCURRED; TO AUTHORIZE THE SECRETARY OF STATE TO ORDER THE TRUSTEE TO RELEASE ACCRUED INTEREST OF PRINCIPAL OF THE TRUST FUND NOT TO EXCEED A CERTAIN AMOUNT SUFFICIENT TO REIMBURSE THE COUNTY OR MUNICIPALITY FOR THE ACTUAL COSTS OF CLEANUP PERFORMED IF THE SECRETARY OF STATE MAKES CERTAIN DETERMINATIONS; TO LIMIT UTILIZATION OF THESE PROVISIONS TO NO MORE THAN ONCE IN A CERTAIN TIME PERIOD; TO AMEND SECTION 41-43-57, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) England

To: Municipalities; County Affairs

SENATE BILL NO. 2261
(As Sent to Governor)

AN ACT TO AMEND SECTIONS 19-5-105 AND 21-19-11, MISSISSIPPI CODE OF 1972, TO AUTHORIZE COUNTIES AND MUNICIPALITIES TO CLEAN PROPERTY OR PARCELS OF LAND OF PERPETUAL CARE CEMETERIES THAT ARE NOT BEING PROPERLY MAINTAINED AND HAVE BECOME DETRIMENTAL TO THE PUBLIC HEALTH AND WELFARE; TO PRESCRIBE NOTICE AND HEARING REQUIREMENTS AND AN ADJUDICATION BY THE COUNTY OR MUNICIPALITY BEFORE IT MAY CLEAN THE PROPERTY; TO AUTHORIZE THE COUNTY OR MUNICIPALITY TO MAKE APPLICATION TO THE SECRETARY OF STATE FOR AN ORDER DIRECTING THE TRUSTEE OF THE PERPETUAL CARE CEMETERY TRUST FUND TO RELEASE ACCRUED INTEREST OR PRINCIPAL OF THE TRUST FUND SUFFICIENT TO REIMBURSE THE COUNTY OR MUNICIPALITY FOR ONLY THE ACTUAL CLEANUP COSTS INCURRED; TO AUTHORIZE THE SECRETARY OF STATE TO ORDER THE TRUSTEE TO RELEASE ACCRUED INTEREST OF PRINCIPAL OF THE TRUST FUND NOT TO EXCEED A CERTAIN AMOUNT SUFFICIENT TO REIMBURSE THE COUNTY OR MUNICIPALITY FOR THE ACTUAL COSTS OF CLEANUP PERFORMED IF THE SECRETARY OF STATE MAKES CERTAIN DETERMINATIONS; TO LIMIT UTILIZATION OF THESE PROVISIONS TO NO MORE THAN ONCE IN A CERTAIN TIME PERIOD; TO AMEND SECTION 41-43-57, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 19-5-105, Mississippi Code of 1972, is amended as follows:

19-5-105. (1) To determine whether property or a parcel of land located within a county is in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community, the board of supervisors of any county is authorized

and empowered to conduct a hearing on its own motion, or upon the receipt of a petition requesting the board of supervisors to act signed by a majority of the residents eighteen (18) years of age or older, residing upon any street or alley, within reasonable proximity of any property alleged to be in need of cleaning, or within seven hundred fifty (750) feet of the precise location of the alleged menace situated on any parcel of land which is located in a populated area or in a housing subdivision and alleged to be in need of cleaning.

Notice shall be provided to the property owner by:

(a) United States mail two (2) weeks before the date of the hearing mailed to the address of the subject property and to the address where the ad valorem tax notice for such property is sent by the office charged with collecting ad valorem tax; and

(b) Posting notice for at least two (2) weeks before the date of a hearing on the property or parcel of land alleged to be in need of cleaning and at the county courthouse or another place in the county where such notices are posted.

The notice required by this subsection (1) shall include language that informs the property owner that an adjudication at the hearing that the property or parcel of land is in need of cleaning will authorize the board of supervisors to reenter the property or parcel of land for a period of one (1) year after the hearing without any further hearing, if notice is posted on the property or parcel of land and at the county courthouse or another

place in the county where such notices are generally posted at least seven (7) days before the property or parcel of land is reentered for cleaning. A copy of the required notice mailed and posted as required by this subsection (1) shall be recorded in the minutes of the board of supervisors in conjunction with the hearing required by this subsection.

If at such hearing the board of supervisors shall in its resolution adjudicate such parcel of land in its then condition to be a menace to the public health and safety of the community, the board of supervisors may, if the owner not do so himself, proceed to have the land cleaned by cutting weeds, filling cisterns, and removing rubbish, dilapidated fences, outside toilets, dilapidated buildings and other debris, and draining cesspools and standing water. Thereafter, the board of supervisors may at its next regular meeting by resolution adjudicate the actual cost of cleaning the land and may also impose a penalty not to exceed One Thousand Five Hundred Dollars ($1,500.00) or fifty percent (50%) of the actual cost, whichever is more. The cost and any penalty shall become an assessment against the property. The "cost assessed against the property" means either the cost to the county of using its own employees to do the work or the cost to the county of any contract executed by the county to have the work done, and administrative costs and legal costs of the county.

A county may reenter the property or parcel of land to maintain cleanliness without further notice of hearing no more

than six (6) times in any twelve-month period with respect to removing dilapidated buildings, dilapidated fences and outside toilets, and no more than twelve (12) times in any twenty-four-month period with respect to cutting grass and weeds and removing rubbish, personal property and other debris on the land. The expense of cleaning the property shall not exceed an aggregate amount of Twenty Thousand Dollars ($20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is less. The board of supervisors may assess the same penalty each time the property or land is cleaned as otherwise provided in this subsection (1).

The penalty provided * * * in this subsection (1) shall not be assessed against the State of Mississippi upon request for reimbursement under Section 29-1-145, nor shall a county clean a parcel owned by the State of Mississippi without first giving notice.

The assessment authorized by this subsection (1) shall be a lien against the property and may be enrolled in the office of the circuit clerk of the county as other judgments are enrolled, and the tax collector of the county shall, upon order of the board of supervisors, proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent taxes. Furthermore, the property owner whose land has been sold pursuant to this subsection (1) shall have the same right of redemption as now provided by law for the sale of lands for delinquent taxes.

All decisions rendered under the provisions of this subsection may be appealed in the same manner as other appeals from county boards.

(2) (a) If private property or a parcel of land located within a county is a perpetual care cemetery subject to Section 41-43-1 et seq., the board of supervisors of the county may proceed pursuant to the same provisions of subsection (1) of this section used to determine whether a property is a public health menace to instead determine if the perpetual care cemetery and all structures on the cemetery are not being properly maintained and have become detrimental to the public health and welfare. A perpetual care cemetery that is "not being properly maintained and has become detrimental to the public health and welfare" means a perpetual care cemetery that shows signs of neglect, including, without limitation, the unchecked growth of vegetation, repeated and unchecked acts of vandalism, unusable entrances and exits, excess rubbish or debris, or the disintegration of grave markers or boundaries. Upon notice and opportunity to be heard as provided in subsection (1) of this section, the board of supervisors of the county may adjudicate the property or parcel of land in its then condition to be not properly maintained and detrimental to the public health and welfare, and if the owner does not do so itself, may proceed to clean the property or parcel of land as provided in subsection (1) of this section. When cleaning the property or parcel of land of a perpetual care

cemetery pursuant to this subsection (2), the penalty or penalties provided in subsection (1) of this section shall not be assessed against owners of the perpetual care cemeteries.

(b) The board of supervisors of a county that cleans property or parcel of land of a perpetual care cemetery pursuant to this subsection (2) may make application to the Secretary of State for an order directing the trustee of the perpetual care cemetery trust fund to release accrued interest or principal of the trust fund sufficient to reimburse the county for only the actual cleanup costs incurred by the county. The application to the Secretary of State shall include a statement by the county that all of the requirements of this section have been met.

(c) If the Secretary of State is satisfied that the notice and hearing requirements of this section have been met, and that the application for an order directing the trustee to release accrued interest of the perpetual care cemetery trust fund does not threaten the ability of the trust fund to provide for the care and maintenance of the cemetery, the Secretary of State may order the trustee to release up to the total amount of accrued interest of the trust fund in an amount sufficient to reimburse the county for the actual costs of cleanup performed by the county.

(d) If the Secretary of State is satisfied that the notice and hearing requirements of this section have been met, but makes a determination that the accrued interest of the perpetual care cemetery trust fund is insufficient to reimburse the county

for the actual costs of cleanup performed by the county, or that an order to release accrued interest would threaten the ability of the trust fund to provide for the care and maintenance of the cemetery, the Secretary of State may consider an order directing the trustee to reimburse the county from the principal of the trust fund. If the Secretary of State determines that an order to the trustee to release principal from the trust fund will not threaten the solvency of the trust fund, the Secretary of State may order the trustee to release principal of the trust fund in an amount sufficient to reimburse the county for the actual costs of cleanup performed by the county.

(i) The Secretary of State may not order the trustee to release an amount of more than fifteen percent (15%) of principal of the trust fund to reimburse the county for the actual costs of cleanup performed by the county.

(ii) The provisions of this section may be utilized no more than once in a four-year period.

SECTION 2. Section 21-19-11, Mississippi Code of 1972, is amended as follows:

21-19-11. (1) To determine whether property or parcel of land located within a municipality is in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community, a governing authority of any municipality shall conduct a hearing, on its own motion, or upon the receipt of a petition signed by a majority of the residents

residing within four hundred (400) feet of any property or parcel of land alleged to be in need of the cleaning. Notice shall be provided to the property owner by:

(a) United States mail two (2) weeks before the date of the hearing mailed to the address of the subject property, except where the land or structure(s) is apparently vacant, and to the address where the ad valorem tax notice for such property is sent by the office charged with collecting ad valorem tax; and

(b) Posting notice for at least two (2) weeks before the date of a hearing on the property or parcel of land alleged to be in need of cleaning and at city hall or another place in the municipality where such notices are posted.

Any notice required by this section shall include language that informs the property owner that an adjudication at the hearing that the property or parcel of land is in need of cleaning will authorize the municipality to reenter the property or parcel of land for a period of two (2) years after final adjudication without any further hearing if notice is posted on the property or parcel of land and at city hall or another place in the municipality where such notices are generally posted at least seven (7) days before the property or parcel of land is reentered for cleaning. A copy of the required notice mailed and posted as required by this section shall be recorded in the minutes of the governing authority in conjunction with the hearing required by this section.

If, at such hearing, the governing authority shall adjudicate the property or parcel of land in its then condition to be a menace to the public health, safety and welfare of the community, the governing authority, if the owner does not do so himself, shall proceed to clean the land, by the use of municipal employees or by contract, by cutting grass and weeds; filling cisterns; removing rubbish, abandoned or dilapidated fences, outside toilets, abandoned or dilapidated buildings, slabs, personal property, which removal of personal property shall not be subject to the provisions of Section 21-39-21, and other debris; and draining cesspools and standing water therefrom. The governing authority may by resolution adjudicate the actual cost of cleaning the property and may also impose a penalty not to exceed One Thousand Five Hundred Dollars ($1,500.00) or fifty percent (50%) of the actual cost, whichever is more. The cost and any penalty may become a civil debt against the property owner, and/or, at the option of the governing authority, an assessment against the property. The "cost assessed against the property" means either the cost to the municipality of using its own employees to do the work or the cost to the municipality of any contract executed by the municipality to have the work done, and administrative costs and legal costs of the municipality. For subsequent cleaning within the one-year period after the date of the hearing at which the property or parcel of land was adjudicated in need of cleaning, upon seven (7) days' notice posted both on the property

or parcel of land adjudicated in need of cleaning and at city hall or another place in the municipality where such notices are generally posted, and consistent with the municipality's adjudication as authorized in this subsection (1), a municipality may reenter the property or parcel of land to maintain cleanliness without further notice or hearing no more than six (6) times in any twelve-month period with respect to removing abandoned or dilapidated buildings, slabs, dilapidated fences and outside toilets, and no more than twelve (12) times in any twenty-four-month period with respect to cutting grass and weeds and removing rubbish, personal property and other debris on the land, and the expense of cleaning of the property, except as otherwise provided in this section for removal of hazardous substances, shall not exceed an aggregate amount of Twenty Thousand Dollars ($20,000.00) per year, or the fair market value of the property subsequent to cleaning, whichever is more. The aggregate cost of removing hazardous substances will be the actual cost of such removal to the municipality and shall not be subject to the Twenty Thousand Dollars ($20,000.00) limitation provided in this subsection. The governing authority may assess the same penalty for each time the property or land is cleaned as otherwise provided in this section. The penalty provided herein shall not be assessed against the State of Mississippi upon request for reimbursement under Section 29-1-145, nor shall a municipality clean a parcel owned by the State of Mississippi without first

giving notice. Upon written authority from the Secretary of State's office, for state-owned properties, a municipality may forgo the notification process that is prescribed in this subsection and proceed to clean the properties and assess costs as prescribed in this subsection, except that penalties shall not be assessed against the State of Mississippi.

(2) When the fee or cost to clean property or a parcel of land that is one (1) acre or less does not exceed Two Hundred Fifty Dollars ($250.00), excluding administrative costs, and the property or parcel is located within a municipality having a population over one thousand five hundred (1,500), the governing authority of the municipality may authorize one or more of its employees to determine whether the property or parcel of land is in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community and the determination made by the authorized municipal employee shall be set forth and recorded in the minutes of the governing authority. Notice of this determination shall be provided to the property owner by:

(a) United States mail seven (7) days before the date of cleaning of the property or parcel of land mailed to the address of the subject property, except where the land or structure(s) is apparently vacant, and to the address where the ad valorem tax notice for such property is sent by the office charged with collecting ad valorem tax; and

(b) Posting notice for at least seven (7) days before the cleaning of the property or parcel of land and at city hall or another place in the municipality where such notices are posted.

Any notice required by this subsection shall include language that informs the property owner that the appropriate municipal official has determined that the property or parcel of land is a menace to the public health, safety and welfare of the community and in need of cleaning and the municipality is authorized to enter the property for cleaning and that the municipality is further authorized to reenter the property or parcel of land for a period of two (2) years after this cleaning without any further hearing or action if notice is posted on the property or parcel of land and at city hall or another place in the municipality where such notices are generally posted at least seven (7) days before the property or parcel of land is reentered for cleaning. A copy of the required notice mailed and posted as required by this subsection shall be recorded in the minutes of the governing authority in conjunction with the determination made by the municipal employee in this subsection (2).

If an authorized municipal employee determines that the condition of property or parcel of land is a menace to the public health, safety and welfare of the community, the governing authority, if the owner does not do so himself, shall proceed to clean the land, by the use of municipal employees or by contract, by cutting grass and weeds; filling cisterns; removing rubbish,

abandoned or dilapidated fences, outside toilets, abandoned or dilapidated buildings, slabs, personal property, which removal of personal property shall not be subject to the provisions of Section 21-39-21, and other debris; and draining cesspools and standing water therefrom. The governing authority shall by resolution adjudicate the actual cost of cleaning the property under this provision, provided the same does not exceed Two Hundred Fifty Dollars ($250.00) and may also impose a penalty not to exceed One Hundred Dollars ($100.00) or one hundred percent (100%) of the actual cost of cleaning the property, whichever is more. The cost and any penalty imposed may become a civil debt against the property owner, and/or, at the option of the governing authority, an assessment against the property. The "cost assessed against the property" means either the cost to the municipality of using its own employees to do the work or the cost to the municipality of any contract executed by the municipality to have the work done, and additionally may include administrative costs of the municipality not to exceed Fifty Dollars ($50.00). For subsequent cleaning within the one-year period set forth in this subsection (2), upon seven (7) days' notice posted both on the property or parcel of land adjudicated in need of cleaning and at city hall or another place in the municipality where such notices are generally posted, and consistent with the municipal official's determination as authorized in this subsection (2), a municipality may reenter the property or parcel of land to maintain cleanliness

without further notice or hearing under this subsection (2) no more than six (6) times in any twelve-month period with respect to removing abandoned or dilapidated buildings, slabs, dilapidated fences and outside toilets, and no more than twelve (12) times in any twenty-four-month period with respect to cutting grass and weeds and removing rubbish, personal property and other debris on the land, and the expense of cleaning of the property shall not exceed an aggregate amount of One Thousand Dollars ($1,000.00) per year under this subsection (2). The governing authority may assess the same actual costs, administrative costs and penalty for each time the property or land is cleaned as otherwise provided in this subsection (2). The penalty provided herein shall not be assessed against the State of Mississippi upon request for reimbursement under Section 29-1-145, nor shall a municipality clean a parcel owned by the State of Mississippi without first giving notice. Upon written authority from the Secretary of State's office, for state-owned properties, a municipality may forgo the notification process that is prescribed in this subsection and proceed to clean the properties and assess costs as prescribed in this subsection, except that penalties shall not be assessed against the State of Mississippi. A determination made by an appropriate municipal employee under this subsection (2) that the state or condition of property or a parcel of land is a menace to the public health, safety and welfare of the community shall not subsequently be used to replace a hearing if subsection

(1) of this section is later utilized by a municipality when the prerequisites of this subsection (2) are not satisfied.

(3) If the governing authority declares, by resolution, that the cost and any penalty shall be collected as a civil debt, the governing authority may authorize the institution of a suit on open account against the owner of the property in a court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned.

(4) (a) If the governing authority declares that the cost and any penalty shall be collected as an assessment against the property, then the assessment above provided for shall be a lien against the property and may be enrolled in the office of the chancery clerk of the county as other liens and encumbrances are enrolled, and the tax collector of the municipality shall, upon order of the board of governing authorities, proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes. The lien against the property shall be an encumbrance upon the property and shall follow title of the property.

(b) (i) All assessments levied under the provisions of this section shall be included with municipal ad valorem taxes and payment shall be enforced in the same manner in which payment is enforced for municipal ad valorem taxes, and all statutes regulating the collection of other taxes in a municipality shall

apply to the enforcement and collection of the assessments levied under the provisions of this section, including utilization of the procedures authorized under Sections 17-13-9(2) and 27-41-2.

(ii) All assessments levied under the provisions of this section shall become delinquent at the same time municipal ad valorem taxes become delinquent. Delinquencies shall be collected in the same manner and at the same time delinquent ad valorem taxes are collected and shall bear the same penalties as those provided for delinquent taxes. If the property is sold for the nonpayment of an assessment under this section, it shall be sold in the manner that property is sold for the nonpayment of delinquent ad valorem taxes. If the property is sold for delinquent ad valorem taxes, the assessment under this section shall be added to the delinquent tax and collected at the same time and in the same manner.

(5) All decisions rendered under the provisions of this section may be appealed in the same manner as other appeals from municipal boards or courts are taken. However, an appeal from a decision of a municipal officer or official shall be made to the governing authority and such appeal shall be in writing, state the basis for the appeal and be filed with the city clerk no later than seven (7) days from the latest date of notice required under this section.

(6) Nothing contained under this section shall prevent any municipality from enacting criminal penalties for failure to

maintain property so as not to constitute a menace to public health, safety and welfare.

(7) (a) If private property or a parcel of land located within a municipality is a perpetual care cemetery subject to Section 41-43-1 et seq., the governing authority of the municipality may proceed pursuant to the same provisions of this section used to determine whether a property is a public health menace to instead determine if the perpetual care cemetery and all structures on the cemetery are not being properly maintained and have become detrimental to the public health and welfare. A perpetual care cemetery that is "not being properly maintained and has become detrimental to the public health and welfare" means a perpetual care cemetery that shows signs of neglect, including, without limitation, the unchecked growth of vegetation, repeated and unchecked acts of vandalism, unusable entrances and exits, excess rubbish or debris, or the disintegration of grave markers or boundaries. Upon notice and opportunity to be heard as provided in subsection (1) of this section, the governing authority of the municipality may adjudicate the property or parcel of land in its then condition to be not properly maintained and detrimental to the public health and welfare, and if the owner does not do so itself, may proceed to clean the property or parcel of land as provided in subsection (1) of this section. When cleaning the property or parcel of land of a perpetual care cemetery pursuant to this subsection (7), the penalty or penalties

provided in subsection (1) of this section shall not be assessed against owners of the perpetual care cemeteries.

(b) The governing authority of a municipality that cleans the property or parcel of land of a perpetual care cemetery pursuant to this subsection (7) may make application to the Secretary of State for an order directing the trustee of the perpetual care cemetery trust fund to release accrued interest or principal of the trust fund sufficient to reimburse the municipality for only the actual cleanup costs incurred by the municipality. The application to the Secretary of State shall include a statement by the municipality that all of the requirements of this section have been met.

(c) If the Secretary of State is satisfied that the notice and hearing requirements of this section have been met, and that the application for an order directing the trustee to release accrued interest of the perpetual care cemetery trust fund does not threaten the ability of the trust fund to provide for the care and maintenance of the cemetery, the Secretary of State may order the trustee to release accrued interest of the trust fund sufficient to reimburse the municipality for the actual costs of cleanup performed by the municipality.

(d) If the Secretary of State is satisfied that the notice and hearing requirements of this section have been met, but makes a determination that the accrued interest of the perpetual care cemetery trust fund is insufficient to reimburse the

municipality for the actual costs of cleanup performed by the municipality, or that an order to release accrued interest would threaten the ability of the trust fund to provide for the care and maintenance of the cemetery, the Secretary of State may consider an order directing the trustee to reimburse the municipality from the principal of the trust fund. If the Secretary of State determines that an order to the trustee to release principal from the trust fund will not threaten the solvency of the trust fund, the Secretary of State may order the trustee to release principal of the trust fund in an amount sufficient to reimburse the municipality for the actual costs of cleanup performed by the municipality.

(i) The Secretary of State may not order the trustee to release an amount of more than fifteen percent (15%) of principal of the trust fund to reimburse the municipality for the actual costs of cleanup performed by the municipality.

(ii) The provisions of this section may be utilized no more than once in a four-year period.

SECTION 3. Section 41-43-57, Mississippi Code of 1972, is amended as follows:

41-43-57. (1) In exceptional circumstances only, a perpetual care owner can make an application to the Secretary of State for an order directing the trustee to release trust principal for the extended care, maintenance or improvements to the perpetual care cemetery for which interest funds are

insufficient. Before issuing such an order, the Secretary of State shall satisfy himself that the request is for a major capital expenditure that will advance the perpetual care life of the cemetery without undue risk to the solvency of the perpetual care trust fund. Consistent with this section, this shall be the only instance in which a perpetual care trust corpus may be utilized for cemetery maintenance and improvements. In the consideration of the application, the Secretary of State may require the production of any records deemed necessary and relevant to the cemetery's application for a major capital expenditure.

(2) In addition the authority provided under subsection (1) of this section, subject to the provisions of Section 19-5-105(2) or 21-19-11(7), the board of supervisors of a county or the governing authority of a municipality also may make application to the Secretary of State for an order directing the trustee to release either accrued interest or principal of the trust fund for reimbursement to the county or municipality for the actual costs of cleanup performed by the county or municipality.

SECTION 4. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2267

Description: Teacher license; allow reciprocity if teacher possesses standard license from other state and passes background check.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/12	(S) Referred To Education
2	01/13	(S) Title Suff Do Pass Comm Sub
3	02/04	(S) Committee Substitute Adopted
4	02/04	(S) Amended
5	02/04	(S) Passed As Amended {Vote}
6	02/05	(S) Transmitted To House
7	02/24	(H) Referred To Education
8	03/02	(H) Title Suff Do Pass As Amended
9	03/09	(H) Amended
10	03/09	(H) Passed As Amended {Vote}
11	03/10	(H) Returned For Concurrence
12	03/12	(S) Decline to Concur/Invite Conf
13	03/16	(S) Conferees Named DeBar,Hill,Norwood
14	03/23	(H) Conferees Named Bennett,McCarty,Ladner
15	03/26	(S) Conference Report Filed
16	03/26	(H) Conference Report Filed
17	03/27	(S) Conference Report Adopted {Vote}
18	03/28	(H) Conference Report Adopted {Vote}
19	03/31	(S) Enrolled Bill Signed
20	03/31	(H) Enrolled Bill Signed
21	04/16	Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2267

Conference Reports:

| Conference Report

Code Section: A 037-0003-0002

----- Additional Information -----

Senate Committee: Education
House Committee: Education

Principal Author: DeBar
Additional Authors: Moran, Barnett, Barrett, Blackmon, Blackwell, Blount, Boyd, Bryan, Butler, Carter, Caughman, Chassaniol, Chism, England, Fillingane, Frazier, Hill, Hopson, Horhn, Jackson (11th), Jackson (32nd), Johnson, Jordan, Kirby, McCaughn, McDaniel, McLendon, McMahan, Michel, Norwood, Parker, Parks, Polk, Seymour, Simmons (12th), Simmons (13th), Sojourner, Sparks, Suber, Tate, Thomas, Thompson, Turner-Ford, Whaley, Wiggins, Williams, Witherspoon, Younger, Branning

Title: AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 1263, 2021 REGULAR SESSION, TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL GRANT LICENSES WITHIN A PERIOD OF 21 DAYS FROM THE DATE OF A COMPLETED APPLICATION TO TEACHERS IF THEY POSSESS A VALID STANDARD LICENSE FROM ANOTHER STATE; TO PROVIDE THAT FOR ALL LICENSE TYPES WITH A CURRENT VALID EXPIRATION DATE OF JUNE 30, 2021, THE DEPARTMENT OF EDUCATION SHALL GRANT A ONE-YEAR EXTENSION TO JUNE 30, 2022; TO PROVIDE THAT BEGINNING JULY 1, 2022, AND THEREAFTER, APPLICANTS FOR LICENSURE RENEWAL SHALL MEET ALL REQUIREMENTS IN EFFECT ON THE DATE THAT THE COMPLETE APPLICATION IS RECEIVED; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) DeBar, Moran, Barnett, Barrett, Blackmon, Blackwell, Blount, Boyd, Bryan, Butler, Carter, Caughman, Chassaniol, Chism, England, Fillingane, Frazier, Hill, Hopson, Horhn, Jackson (11th), Jackson (32nd), Johnson, Jordan, Kirby, McCaughn, McDaniel, McLendon, McMahan, Michel, Norwood, Parker, Parks, Polk, Seymour, Simmons (12th), Simmons (13th), Sojourner, Sparks, Suber, Tate, Thomas, Thompson, Turner-Ford, Whaley, Wiggins, Williams, Witherspoon, Younger, Branning

To: Education

SENATE BILL NO. 2267
(As Sent to Governor)

AN ACT TO AMEND SECTION 37-3-2, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 1263, 2021 REGULAR SESSION, TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL GRANT LICENSES WITHIN A PERIOD OF 21 DAYS FROM THE DATE OF A COMPLETED APPLICATION TO TEACHERS IF THEY POSSESS A VALID STANDARD LICENSE FROM ANOTHER STATE; TO PROVIDE THAT FOR ALL LICENSE TYPES WITH A CURRENT VALID EXPIRATION DATE OF JUNE 30, 2021, THE DEPARTMENT OF EDUCATION SHALL GRANT A ONE-YEAR EXTENSION TO JUNE 30, 2022; TO PROVIDE THAT BEGINNING JULY 1, 2022, AND THEREAFTER, APPLICANTS FOR LICENSURE RENEWAL SHALL MEET ALL REQUIREMENTS IN EFFECT ON THE DATE THAT THE COMPLETE APPLICATION IS RECEIVED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-3-2, Mississippi Code of 1972, as amended by House Bill No. 1263, 2021 Regular Session, is amended as follows:

37-3-2. (1) There is established within the State Department of Education the Commission on Teacher and Administrator Education, Certification and Licensure and Development. It shall be the purpose and duty of the commission to make recommendations to the State Board of Education regarding standards for the certification and licensure and continuing

professional development of those who teach or perform tasks of an educational nature in the public schools of Mississippi.

(2) (a) The commission shall be composed of fifteen (15) qualified members. The membership of the commission shall be composed of the following members to be appointed, three (3) from each of the four (4) congressional districts, as such districts existed on January 1, 2011, in accordance with the population calculations determined by the 2010 federal decennial census, including: four (4) classroom teachers; three (3) school administrators; one (1) representative of schools of education of public institutions of higher learning located within the state to be recommended by the Board of Trustees of State Institutions of Higher Learning; one (1) representative from the schools of education of independent institutions of higher learning to be recommended by the Board of the Mississippi Association of Independent Colleges; one (1) representative from public community and junior colleges located within the state to be recommended by the Mississippi Community College Board; one (1) local school board member; and four (4) laypersons. Three (3) members of the commission, at the sole discretion of the State Board of Education, shall be appointed from the state at large.

(b) All appointments shall be made by the State Board of Education after consultation with the State Superintendent of Public Education. The first appointments by the State Board of Education shall be made as follows: five (5) members shall be

appointed for a term of one (1) year; five (5) members shall be appointed for a term of two (2) years; and five (5) members shall be appointed for a term of three (3) years. Thereafter, all members shall be appointed for a term of four (4) years.

(3) The State Board of Education when making appointments shall designate a chairman. The commission shall meet at least once every two (2) months or more often if needed. Members of the commission shall be compensated at a rate of per diem as authorized by Section 25-3-69 and be reimbursed for actual and necessary expenses as authorized by Section 25-3-41.

(4) (a) An appropriate staff member of the State Department of Education shall be designated and assigned by the State Superintendent of Public Education to serve as executive secretary and coordinator for the commission. No less than two (2) other appropriate staff members of the State Department of Education shall be designated and assigned by the State Superintendent of Public Education to serve on the staff of the commission.

(b) An Office of Educator Misconduct Evaluations shall be established within the State Department of Education to assist the commission in responding to infractions and violations, and in conducting hearings and enforcing the provisions of subsections (11), (12), (13), (14) and (15) of this section, and violations of the Mississippi Educator Code of Ethics.

(5) It shall be the duty of the commission to:

(a) Set standards and criteria, subject to the approval of the State Board of Education, for all educator preparation programs in the state;

(b) Recommend to the State Board of Education each year approval or disapproval of each educator preparation program in the state, subject to a process and schedule determined by the State Board of Education;

(c) Establish, subject to the approval of the State Board of Education, standards for initial teacher certification and licensure in all fields;

(d) Establish, subject to the approval of the State Board of Education, standards for the renewal of teacher licenses in all fields;

(e) Review and evaluate objective measures of teacher performance, such as test scores, which may form part of the licensure process, and to make recommendations for their use;

(f) Review all existing requirements for certification and licensure;

(g) Consult with groups whose work may be affected by the commission's decisions;

(h) Prepare reports from time to time on current practices and issues in the general area of teacher education and certification and licensure;

(i) Hold hearings concerning standards for teachers' and administrators' education and certification and licensure with approval of the State Board of Education;

(j) Hire expert consultants with approval of the State Board of Education;

(k) Set up ad hoc committees to advise on specific areas; and

(l) Perform such other functions as may fall within their general charge and which may be delegated to them by the State Board of Education.

(6) (a) **Standard License - Approved Program Route.** An educator entering the school system of Mississippi for the first time and meeting all requirements as established by the State Board of Education shall be granted a standard five-year license. Persons who possess two (2) years of classroom experience as an assistant teacher or who have taught for one (1) year in an accredited public or private school shall be allowed to fulfill student teaching requirements under the supervision of a qualified participating teacher approved by an accredited college of education. The local school district in which the assistant teacher is employed shall compensate such assistant teachers at the required salary level during the period of time such individual is completing student teaching requirements. Applicants for a standard license shall submit to the department:

(i) An application on a department form;

(ii) An official transcript of completion of a teacher education program approved by the department or a nationally accredited program, subject to the following: Licensure to teach in Mississippi prekindergarten through kindergarten classrooms shall require completion of a teacher education program or a Bachelor of Science degree with child development emphasis from a program accredited by the American Association of Family and Consumer Sciences (AAFCS) or by the National Association for Education of Young Children (NAEYC) or by the National Council for Accreditation of Teacher Education (NCATE). Licensure to teach in Mississippi kindergarten, for those applicants who have completed a teacher education program, and in Grade 1 through Grade 4 shall require the completion of an interdisciplinary program of studies. Licenses for Grades 4 through 8 shall require the completion of an interdisciplinary program of studies with two (2) or more areas of concentration. Licensure to teach in Mississippi Grades 7 through 12 shall require a major in an academic field other than education, or a combination of disciplines other than education. Students preparing to teach a subject shall complete a major in the respective subject discipline. All applicants for standard licensure shall demonstrate that such person's college preparation in those fields was in accordance with the standards set forth by the National Council for Accreditation of Teacher Education (NCATE) or the National Association of State Directors of Teacher

Education and Certification (NASDTEC) or, for those applicants who have a Bachelor of Science degree with child development emphasis, the American Association of Family and Consumer Sciences (AAFCS). Effective July 1, 2016, for initial elementary education licensure, a teacher candidate must earn a passing score on a rigorous test of scientifically research-based reading instruction and intervention and data-based decision-making principles as approved by the State Board of Education;

(iii) A copy of test scores evidencing satisfactory completion of nationally administered examinations of achievement, such as the Educational Testing Service's teacher testing examinations;

(iv) Any other document required by the State Board of Education; and

(v) From and after July 1, 2020, no teacher candidate shall be licensed to teach in Mississippi who did not meet the following criteria for entrance into an approved teacher education program:

1. An ACT Score of twenty-one (21) (or SAT equivalent); or

2. Achieve a qualifying passing score on the Praxis Core Academic Skills for Educators examination as established by the State Board of Education; or

3. A minimum GPA of 3.0 on coursework prior to admission to an approved teacher education program.

(b) **Standard License - Nontraditional Teaching Route.** From and after July 1, 2020, no teacher candidate shall be licensed to teach in Mississippi under the alternate route who did not meet the following criteria:

(i) An ACT Score of twenty-one (21) (or SAT equivalent); or

(ii) Achieve a qualifying passing score on the Praxis Core Academic Skills for Educators examination as established by the State Board of Education; or

(iii) A minimum GPA of 3.0 on coursework prior to admission to an approved teacher education program.

Beginning July 1, 2020, an individual who has attained a passing score on the Praxis Core Academic Skills for Educators or an ACT Score of twenty-one (21) (or SAT equivalent) or a minimum GPA of 3.0 on coursework prior to admission to an approved teacher education program and a passing score on the Praxis Subject Assessment in the requested area of endorsement may apply for admission to the Teach Mississippi Institute (TMI) program to teach students in Grades 7 through 12 if the individual meets the requirements of this paragraph (b). The State Board of Education shall adopt rules requiring that teacher preparation institutions which provide the Teach Mississippi Institute (TMI) program for the preparation of nontraditional teachers shall meet the standards and comply with the provisions of this paragraph.

(i) The Teach Mississippi Institute (TMI) shall include an intensive eight-week, nine-semester-hour summer program or a curriculum of study in which the student matriculates in the fall or spring semester, which shall include, but not be limited to, instruction in education, effective teaching strategies, classroom management, state curriculum requirements, planning and instruction, instructional methods and pedagogy, using test results to improve instruction, and a one (1) semester three-hour supervised internship to be completed while the teacher is employed as a full-time teacher intern in a local school district. The TMI shall be implemented on a pilot program basis, with courses to be offered at up to four (4) locations in the state, with one (1) TMI site to be located in each of the three (3) Mississippi Supreme Court districts.

(ii) The school sponsoring the teacher intern shall enter into a written agreement with the institution providing the Teach Mississippi Institute (TMI) program, under terms and conditions as agreed upon by the contracting parties, providing that the school district shall provide teacher interns seeking a nontraditional provisional teaching license with a one-year classroom teaching experience. The teacher intern shall successfully complete the one (1) semester three-hour intensive internship in the school district during the semester immediately following successful completion of the TMI and prior to the end of the one-year classroom teaching experience.

(iii) Upon completion of the nine-semester-hour TMI or the fall or spring semester option, the individual shall submit his transcript to the commission for provisional licensure of the intern teacher, and the intern teacher shall be issued a provisional teaching license by the commission, which will allow the individual to legally serve as a teacher while the person completes a nontraditional teacher preparation internship program.

(iv) During the semester of internship in the school district, the teacher preparation institution shall monitor the performance of the intern teacher. The school district that employs the provisional teacher shall supervise the provisional teacher during the teacher's intern year of employment under a nontraditional provisional license, and shall, in consultation with the teacher intern's mentor at the school district of employment, submit to the commission a comprehensive evaluation of the teacher's performance sixty (60) days prior to the expiration of the nontraditional provisional license. If the comprehensive evaluation establishes that the provisional teacher intern's performance fails to meet the standards of the approved nontraditional teacher preparation internship program, the individual shall not be approved for a standard license.

(v) An individual issued a provisional teaching license under this nontraditional route shall successfully complete, at a minimum, a one-year beginning teacher mentoring and

induction program administered by the employing school district with the assistance of the State Department of Education.

(vi) Upon successful completion of the TMI and the internship provisional license period, applicants for a Standard License - Nontraditional Route shall submit to the commission a transcript of successful completion of the twelve (12) semester hours required in the internship program, and the employing school district shall submit to the commission a recommendation for standard licensure of the intern. If the school district recommends licensure, the applicant shall be issued a Standard License - Nontraditional Route which shall be valid for a five-year period and be renewable.

(vii) At the discretion of the teacher preparation institution, the individual shall be allowed to credit the twelve (12) semester hours earned in the nontraditional teacher internship program toward the graduate hours required for a Master of Arts in Teacher (MAT) Degree.

(viii) The local school district in which the nontraditional teacher intern or provisional licensee is employed shall compensate such teacher interns at Step 1 of the required salary level during the period of time such individual is completing teacher internship requirements and shall compensate such Standard License - Nontraditional Route teachers at Step 3 of the required salary level when they complete license requirements.

Implementation of the TMI program provided for under this paragraph (b) shall be contingent upon the availability of funds appropriated specifically for such purpose by the Legislature. Such implementation of the TMI program may not be deemed to prohibit the State Board of Education from developing and implementing additional alternative route teacher licensure programs, as deemed appropriate by the board. The emergency certification program in effect prior to July 1, 2002, shall remain in effect.

A Standard License - Approved Program Route shall be issued for a five-year period, and may be renewed. Recognizing teaching as a profession, a hiring preference shall be granted to persons holding a Standard License - Approved Program Route or Standard License - Nontraditional Teaching Route over persons holding any other license.

(c) **Special License - Expert Citizen.** In order to allow a school district to offer specialized or technical courses, the State Department of Education, in accordance with rules and regulations established by the State Board of Education, may grant a one-year expert citizen-teacher license to local business or other professional personnel to teach in a public school or nonpublic school accredited or approved by the state. Such person may begin teaching upon his employment by the local school board and licensure by the Mississippi Department of Education. The board shall adopt rules and regulations to administer the expert

citizen-teacher license. A Special License - Expert Citizen may be renewed in accordance with the established rules and regulations of the State Department of Education.

(d) **Special License - Nonrenewable.** The State Board of Education is authorized to establish rules and regulations to allow those educators not meeting requirements in paragraph (a), (b) or (c) of this subsection (6) to be licensed for a period of not more than three (3) years, except by special approval of the State Board of Education.

(e) **Nonlicensed Teaching Personnel.** A nonlicensed person may teach for a maximum of three (3) periods per teaching day in a public school district or a nonpublic school accredited/approved by the state. Such person shall submit to the department a transcript or record of his education and experience which substantiates his preparation for the subject to be taught and shall meet other qualifications specified by the commission and approved by the State Board of Education. In no case shall any local school board hire nonlicensed personnel as authorized under this paragraph in excess of five percent (5%) of the total number of licensed personnel in any single school.

(f) **Special License - Transitional Bilingual Education.** Beginning July 1, 2003, the commission shall grant special licenses to teachers of transitional bilingual education who possess such qualifications as are prescribed in this section. Teachers of transitional bilingual education shall be compensated

by local school boards at not less than one (1) step on the regular salary schedule applicable to permanent teachers licensed under this section. The commission shall grant special licenses to teachers of transitional bilingual education who present the commission with satisfactory evidence that they (i) possess a speaking and reading ability in a language, other than English, in which bilingual education is offered and communicative skills in English; (ii) are in good health and sound moral character; (iii) possess a bachelor's degree or an associate's degree in teacher education from an accredited institution of higher education; (iv) meet such requirements as to courses of study, semester hours therein, experience and training as may be required by the commission; and (v) are legally present in the United States and possess legal authorization for employment. A teacher of transitional bilingual education serving under a special license shall be under an exemption from standard licensure if he achieves the requisite qualifications therefor. Two (2) years of service by a teacher of transitional bilingual education under such an exemption shall be credited to the teacher in acquiring a Standard Educator License. Nothing in this paragraph shall be deemed to prohibit a local school board from employing a teacher licensed in an appropriate field as approved by the State Department of Education to teach in a program in transitional bilingual education.

(g) In the event any school district meets the highest accreditation standards as defined by the State Board of Education in the accountability system, the State Board of Education, in its discretion, may exempt such school district from any restrictions in paragraph (e) relating to the employment of nonlicensed teaching personnel.

(h) **Highly Qualified Teachers.** Beginning July 1, 2006, any teacher from any state meeting the federal definition of highly qualified, as described in the No Child Left Behind Act, must be granted a standard five-year license by the State Department of Education.

(7) **Administrator License.** The State Board of Education is authorized to establish rules and regulations and to administer the licensure process of the school administrators in the State of Mississippi. There will be four (4) categories of administrator licensure with exceptions only through special approval of the State Board of Education.

(a) **Administrator License - Nonpracticing.** Those educators holding administrative endorsement but having no administrative experience or not serving in an administrative position on January 15, 1997.

(b) **Administrator License - Entry Level.** Those educators holding administrative endorsement and having met the department's qualifications to be eligible for employment in a

Mississippi school district. Administrator License - Entry Level shall be issued for a five-year period and shall be nonrenewable.

(c) **Standard Administrator License - Career Level.** An administrator who has met all the requirements of the department for standard administrator licensure.

(d) **Administrator License - Nontraditional Route.** The board may establish a nontraditional route for licensing administrative personnel. Such nontraditional route for administrative licensure shall be available for persons holding, but not limited to, a master of business administration degree, a master of public administration degree, a master of public planning and policy degree or a doctor of jurisprudence degree from an accredited college or university, with five (5) years of administrative or supervisory experience. Successful completion of the requirements of alternate route licensure for administrators shall qualify the person for a standard administrator license.

Individuals seeking school administrator licensure under paragraph (b), (c) or (d) shall successfully complete a training program and an assessment process prescribed by the State Board of Education. All applicants for school administrator licensure shall meet all requirements prescribed by the department under paragraph (b), (c) or (d), and the cost of the assessment process required shall be paid by the applicant.

(8) **Reciprocity.** * * * The department shall grant a standard five-year license to any individual who possesses a valid standard license from another state * * * within a period of twenty-one (21) days from the date of a completed application. The issuance of a license by reciprocity to a military-trained applicant, military spouse or person who establishes residence in this state shall be subject to the provisions of Section 73-50-1 or 73-50-2, as applicable.

* * *

(9) **Renewal and Reinstatement of Licenses.** The State Board of Education is authorized to establish rules and regulations for the renewal and reinstatement of educator and administrator licenses. Effective May 15, 1997, the valid standard license held by an educator shall be extended five (5) years beyond the expiration date of the license in order to afford the educator adequate time to fulfill new renewal requirements established pursuant to this subsection. An educator completing a master of education, educational specialist or doctor of education degree in May 1997 for the purpose of upgrading the educator's license to a higher class shall be given this extension of five (5) years plus five (5) additional years for completion of a higher degree. For all license types with a current valid expiration date of June 30, 2021, the State Department of Education shall grant a one-year extension to June 30, 2022. Beginning July 1, 2022, and thereafter, applicants for licensure renewal shall meet all

requirements in effect on the date that the complete application is received by the State Department of Education.

(10) All controversies involving the issuance, revocation, suspension or any change whatsoever in the licensure of an educator required to hold a license shall be initially heard in a hearing de novo, by the commission or by a subcommittee established by the commission and composed of commission members, or by a hearing officer retained and appointed by the commission, for the purpose of holding hearings. Any complaint seeking the denial of issuance, revocation or suspension of a license shall be by sworn affidavit filed with the Commission on Teacher and Administrator Education, Certification and Licensure and Development. The decision thereon by the commission, its subcommittee or hearing officer, shall be final, unless the aggrieved party shall appeal to the State Board of Education, within ten (10) days, of the decision of the commission, its subcommittee or hearing officer. An appeal to the State Board of Education shall be perfected upon filing a notice of the appeal and by the prepayment of the costs of the preparation of the record of proceedings by the commission, its subcommittee or hearing officer. An appeal shall be on the record previously made before the commission, its subcommittee or hearing officer, unless otherwise provided by rules and regulations adopted by the board. The decision of the commission, its subcommittee or hearing officer shall not be disturbed on appeal if supported by

substantial evidence, was not arbitrary or capricious, within the authority of the commission, and did not violate some statutory or constitutional right. The State Board of Education in its authority may reverse, or remand with instructions, the decision of the commission, its subcommittee or hearing officer. The decision of the State Board of Education shall be final.

(11) (a) The State Board of Education, acting through the commission, may deny an application for any teacher or administrator license for one or more of the following:

(i) Lack of qualifications which are prescribed by law or regulations adopted by the State Board of Education;

(ii) The applicant has a physical, emotional or mental disability that renders the applicant unfit to perform the duties authorized by the license, as certified by a licensed psychologist or psychiatrist;

(iii) The applicant is actively addicted to or actively dependent on alcohol or other habit-forming drugs or is a habitual user of narcotics, barbiturates, amphetamines, hallucinogens or other drugs having similar effect, at the time of application for a license;

(iv) Fraud or deceit committed by the applicant in securing or attempting to secure such certification and license;

(v) Failing or refusing to furnish reasonable evidence of identification;

(vi) The applicant has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law. For purposes of this subparagraph (vi) of this paragraph (a), a "guilty plea" includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion;

(vii) The applicant or licensee is on probation or post-release supervision for a felony or conviction, as defined by federal or state law. However, this disqualification expires upon the end of the probationary or post-release supervision period.

(b) The State Board of Education, acting through the commission, shall deny an application for any teacher or administrator license, or immediately revoke the current teacher or administrator license, for one or more of the following:

(i) If the applicant or licensee has been convicted, has pled guilty or entered a plea of nolo contendere to a sex offense as defined by federal or state law. For purposes of this subparagraph (i) of this paragraph (b), a "guilty plea" includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion;

(ii) The applicant or licensee is on probation or post-release supervision for a sex offense conviction, as defined by federal or state law;

(iii) The license holder has fondled a student as described in Section 97-5-23, or had any type of sexual involvement with a student as described in Section 97-3-95; or

(iv) The license holder has failed to report sexual involvement of a school employee with a student as required by Section 97-5-24.

(12) The State Board of Education, acting through the commission, may revoke, suspend or refuse to renew any teacher or administrator license for specified periods of time or may place on probation, reprimand a licensee, or take other disciplinary action with regard to any license issued under this chapter for one or more of the following:

(a) Breach of contract or abandonment of employment may result in the suspension of the license for one (1) school year as provided in Section 37-9-57;

(b) Obtaining a license by fraudulent means shall result in immediate suspension and continued suspension for one (1) year after correction is made;

(c) Suspension or revocation of a certificate or license by another state shall result in immediate suspension or revocation and shall continue until records in the prior state have been cleared;

(d) The license holder has been convicted, has pled guilty or entered a plea of nolo contendere to a felony, as defined by federal or state law. For purposes of this paragraph,

a "guilty plea" includes a plea of guilty, entry of a plea of nolo contendere, or entry of an order granting pretrial or judicial diversion;

(e) The license holder knowingly and willfully committing any of the acts affecting validity of mandatory uniform test results as provided in Section 37-16-4(1);

(f) The license holder has engaged in unethical conduct relating to an educator/student relationship as identified by the State Board of Education in its rules;

(g) The license holder served as superintendent or principal in a school district during the time preceding and/or that resulted in the Governor declaring a state of emergency and the State Board of Education appointing a conservator;

(h) The license holder submitted a false certification to the State Department of Education that a statewide test was administered in strict accordance with the Requirements of the Mississippi Statewide Assessment System; or

(i) The license holder has failed to comply with the Procedures for Reporting Infractions as promulgated by the commission and approved by the State Board of Education pursuant to subsection (15) of this section.

For purposes of this subsection, probation shall be defined as a length of time determined by the commission, its subcommittee or hearing officer, and based on the severity of the offense in which the license holder shall meet certain requirements as

prescribed by the commission, its subcommittee or hearing officer. Failure to complete the requirements in the time specified shall result in immediate suspension of the license for one (1) year.

(13) (a) Dismissal or suspension of a licensed employee by a local school board pursuant to Section 37-9-59 may result in the suspension or revocation of a license for a length of time which shall be determined by the commission and based upon the severity of the offense.

(b) Any offense committed or attempted in any other state shall result in the same penalty as if committed or attempted in this state.

(c) A person may voluntarily surrender a license. The surrender of such license may result in the commission recommending any of the above penalties without the necessity of a hearing. However, any such license which has voluntarily been surrendered by a licensed employee may only be reinstated by a majority vote of all members of the commission present at the meeting called for such purpose.

(14) (a) A person whose license has been suspended or surrendered on any grounds except criminal grounds may petition for reinstatement of the license after one (1) year from the date of suspension or surrender, or after one-half (1/2) of the suspended or surrendered time has lapsed, whichever is greater. A person whose license has been suspended or revoked on any grounds or violations under subsection (12) of this section may be

reinstated automatically or approved for a reinstatement hearing, upon submission of a written request to the commission. A license suspended, revoked or surrendered on criminal grounds may be reinstated upon petition to the commission filed after expiration of the sentence and parole or probationary period imposed upon conviction. A revoked, suspended or surrendered license may be reinstated upon satisfactory showing of evidence of rehabilitation. The commission shall require all who petition for reinstatement to furnish evidence satisfactory to the commission of good character, good mental, emotional and physical health and such other evidence as the commission may deem necessary to establish the petitioner's rehabilitation and fitness to perform the duties authorized by the license.

(b) A person whose license expires while under investigation by the Office of Educator Misconduct for an alleged violation may not be reinstated without a hearing before the commission if required based on the results of the investigation.

(15) Reporting procedures and hearing procedures for dealing with infractions under this section shall be promulgated by the commission, subject to the approval of the State Board of Education. The revocation or suspension of a license shall be effected at the time indicated on the notice of suspension or revocation. The commission shall immediately notify the superintendent of the school district or school board where the teacher or administrator is employed of any disciplinary action

and also notify the teacher or administrator of such revocation or suspension and shall maintain records of action taken. The State Board of Education may reverse or remand with instructions any decision of the commission, its subcommittee or hearing officer regarding a petition for reinstatement of a license, and any such decision of the State Board of Education shall be final.

(16) An appeal from the action of the State Board of Education in denying an application, revoking or suspending a license or otherwise disciplining any person under the provisions of this section shall be filed in the Chancery Court of the First Judicial District of Hinds County, Mississippi, on the record made, including a verbatim transcript of the testimony at the hearing. The appeal shall be filed within thirty (30) days after notification of the action of the board is mailed or served and the proceedings in chancery court shall be conducted as other matters coming before the court. The appeal shall be perfected upon filing notice of the appeal and by the prepayment of all costs, including the cost of preparation of the record of the proceedings by the State Board of Education, and the filing of a bond in the sum of Two Hundred Dollars ($200.00) conditioned that if the action of the board be affirmed by the chancery court, the applicant or license holder shall pay the costs of the appeal and the action of the chancery court.

(17) All such programs, rules, regulations, standards and criteria recommended or authorized by the commission shall become

effective upon approval by the State Board of Education as designated by appropriate orders entered upon the minutes thereof.

(18) The granting of a license shall not be deemed a property right nor a guarantee of employment in any public school district. A license is a privilege indicating minimal eligibility for teaching in the public school districts of Mississippi. This section shall in no way alter or abridge the authority of local school districts to require greater qualifications or standards of performance as a prerequisite of initial or continued employment in such districts.

(19) In addition to the reasons specified in subsections (12) and (13) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section

93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2313

Description: Mississippi Intercollegiate Athletics Compensation Rights Act; allow athletes to be compensated for name, image and likeness.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/14	(S)	Referred To Universities and Colleges
2	01/28	(S)	Title Suff Do Pass
3	02/09	(S)	Passed {Vote}
4	02/10	(S)	Transmitted To House
5	02/24	(H)	Referred To Universities and Colleges
6	03/01	(H)	Title Suff Do Pass As Amended
7	03/08	(H)	Amended
8	03/08	(H)	Passed As Amended {Vote}
9	03/09	(H)	Returned For Concurrence
10	03/16	(S)	Decline to Concur/Invite Conf
11	03/17	(S)	Conferees Named Parks,Boyd,Sparks
12	03/23	(H)	Conferees Named Huddleston,Scoggin,Bounds
13	03/25	(S)	Conference Report Filed
14	03/25	(H)	Conference Report Filed
15	03/26	(H)	Conference Report Adopted {Vote}
16	03/26	(S)	Conference Report Adopted {Vote}
17	03/30	(S)	Enrolled Bill Signed
18	03/30	(H)	Enrolled Bill Signed
19	04/16		Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2313

Conference Reports:

| Conference Report

Code Section: A 073-0042-0003

----- Additional Information -----

Senate Committee: Universities and Colleges
House Committee: Universities and Colleges

Principal Author: Parks
Additional Authors: Carter, Simmons (12th), Norwood

Title: AN ACT TO BE KNOWN AS THE "MISSISSIPPI INTERCOLLEGIATE ATHLETICS COMPENSATION RIGHTS ACT"; TO AUTHORIZE STUDENT-ATHLETES TO EARN COMPENSATION FOR HIS NAME, IMAGE AND LIKENESS; TO DEFINE TERMS RELATING THERETO; TO PROVIDE THAT STUDENT-ATHLETES SHALL NOT EARN COMPENSATION IN EXCHANGE FOR HIS ATHLETIC ABILITY OR PARTICIPATION IN INTERCOLLEGIATE ATHLETICS; TO PROVIDE THAT STUDENT-ATHLETES SHALL NOT BE DEEMED TO BE EMPLOYEES OF THE EDUCATIONAL INSTITUTION; TO PROVIDE THAT A POSTSECONDARY EDUCATIONAL INSTITUTION SHALL NOT UPHOLD A CONTRACT THAT PREVENTS A STUDENT-ATHLETE FROM EARNING COMPENSATION FROM HIS NAME, IMAGE OR LIKENESS; TO PROVIDE THAT ATHLETIC ASSOCIATIONS WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETIC PROGRAMS SHALL NOT PREVENT A STUDENT-ATHLETE FROM EARNING COMPENSATION FROM HIS NAME, IMAGE OR LIKENESS; TO PROVIDE THAT A STUDENT-ATHLETE SHALL NOT RECEIVE OR ENTER INTO A CONTRACT FOR COMPENSATION FOR THE USE OF HIS OR HER NAME, IMAGE OR LIKENESS IN A WAY THAT ALSO USES ANY REGISTERED OR LICENSED MARKS, LOGOS, VERBIAGE OR DESIGNS OF A POSTSECONDARY INSTITUTION, UNLESS THE INSTITUTION HAS PROVIDED THE STUDENT-ATHLETE WITH WRITTEN PERMISSION; TO PROVIDE THAT ATHLETIC ASSOCIATIONS WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETIC PROGRAMS SHALL NOT PREVENT EDUCATIONAL INSTITUTIONS FROM PARTICIPATING IN ATHLETICS AS A RESULT OF THE COMPENSATION OF A STUDENT-ATHLETE FOR THE USE OF THE STUDENT-ATHLETE'S NAME, IMAGE OR LIKENESS; TO PROVIDE THAT ATHLETIC ASSOCIATIONS WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETIC PROGRAMS SHALL NOT PREVENT STUDENT-ATHLETES FROM OBTAINING PROFESSIONAL REPRESENTATION IN RELATION TO NAME, IMAGE OR LIKENESS; TO PROVIDE THAT A STUDENT-ATHLETE'S FINANCIAL AID SHALL NOT BE REVOKED IF HE IS COMPENSATED PURSUANT TO THIS ACT; TO PROVIDE THAT A STUDENT-ATHLETE WHO ENTERS INTO AN AGREEMENT SHALL DISCLOSE THE CONTRACT TO THE EDUCATIONAL INSTITUTION; TO PROVIDE THAT AN EDUCATIONAL INSTITUTION, BOOSTER, THIRD-PARTY LICENSEE, OR INDIVIDUAL OR ENTITY SHALL NOT PROVIDE COMPENSATION TO A CURRENT OR PROSPECTIVE STUDENT-ATHLETE AS AN INDUCEMENT FOR HIM TO ENROLL IN A SPECIFIC INSTITUTION; TO PROVIDE THAT A STUDENT-ATHLETE SHALL NOT ENTER INTO A LIKENESS AGREEMENT THAT RELATES TO THE PROMOTION OF GAMBLING, MARIJUANA, SPORTS BETTING, TOBACCO, ALCOHOL OR OTHER PRODUCTS THAT MAY BE CONSIDERED INCONSISTENT WITH THE EDUCATIONAL INSTITUTION'S VALUES; TO CODIFY NEW SECTION 93-19-17, MISSISSIPPI CODE OF 1972, TO

PROVIDE THAT PERSONS 18 YEARS OF AGE SHALL HAVE THE CAPACITY TO ENTER INTO BINDING CONTRACTS AFFECTING THE USE OF THEIR NAME, IMAGE, OR LIKENESS WHILE PARTICIPATING IN INTERCOLLEGIATE SPORTS; TO AMEND SECTION 73-42-3, MISSISSIPPI CODE OF 1972, TO INCLUDE COMPENSATION FOR THE USE OF A STUDENT-ATHLETE'S NAME, IMAGE OR LIKENESS IN THE DEFINITION OF "ENDORSEMENT CONTRACT" AND "AGENCY CONTRACT"; TO PROVIDE THAT NO POSTSECONDARY EDUCATIONAL INSTITUTION SHALL BE SUBJECT TO A CLAIM FOR DAMAGES FOR UNFAIR TRADE OR COMPETITION OR TORTIOUS INTERFERENCE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2021

By: Senator(s) Parks, Carter, Simmons (12th), Norwood

To: Universities and Colleges

SENATE BILL NO. 2313
(As Sent to Governor)

AN ACT TO BE KNOWN AS THE "MISSISSIPPI INTERCOLLEGIATE ATHLETICS COMPENSATION RIGHTS ACT"; TO AUTHORIZE STUDENT-ATHLETES TO EARN COMPENSATION FOR HIS NAME, IMAGE AND LIKENESS; TO DEFINE TERMS RELATING THERETO; TO PROVIDE THAT STUDENT-ATHLETES SHALL NOT EARN COMPENSATION IN EXCHANGE FOR HIS ATHLETIC ABILITY OR PARTICIPATION IN INTERCOLLEGIATE ATHLETICS; TO PROVIDE THAT STUDENT-ATHLETES SHALL NOT BE DEEMED TO BE EMPLOYEES OF THE EDUCATIONAL INSTITUTION; TO PROVIDE THAT A POSTSECONDARY EDUCATIONAL INSTITUTION SHALL NOT UPHOLD A CONTRACT THAT PREVENTS A STUDENT-ATHLETE FROM EARNING COMPENSATION FROM HIS NAME, IMAGE OR LIKENESS; TO PROVIDE THAT ATHLETIC ASSOCIATIONS WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETIC PROGRAMS SHALL NOT PREVENT A STUDENT-ATHLETE FROM EARNING COMPENSATION FROM HIS NAME, IMAGE OR LIKENESS; TO PROVIDE THAT A STUDENT-ATHLETE SHALL NOT RECEIVE OR ENTER INTO A CONTRACT FOR COMPENSATION FOR THE USE OF HIS OR HER NAME, IMAGE OR LIKENESS IN A WAY THAT ALSO USES ANY REGISTERED OR LICENSED MARKS, LOGOS, VERBIAGE OR DESIGNS OF A POSTSECONDARY INSTITUTION, UNLESS THE INSTITUTION HAS PROVIDED THE STUDENT-ATHLETE WITH WRITTEN PERMISSION; TO PROVIDE THAT ATHLETIC ASSOCIATIONS WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETIC PROGRAMS SHALL NOT PREVENT EDUCATIONAL INSTITUTIONS FROM PARTICIPATING IN ATHLETICS AS A RESULT OF THE COMPENSATION OF A STUDENT-ATHLETE FOR THE USE OF THE STUDENT-ATHLETE'S NAME, IMAGE OR LIKENESS; TO PROVIDE THAT ATHLETIC ASSOCIATIONS WITH AUTHORITY OVER INTERCOLLEGIATE ATHLETIC PROGRAMS SHALL NOT PREVENT STUDENT-ATHLETES FROM OBTAINING PROFESSIONAL REPRESENTATION IN RELATION TO NAME, IMAGE OR LIKENESS; TO PROVIDE THAT A STUDENT-ATHLETE'S FINANCIAL AID SHALL NOT BE REVOKED IF HE IS COMPENSATED PURSUANT TO THIS ACT; TO PROVIDE THAT A STUDENT-ATHLETE WHO ENTERS INTO AN AGREEMENT SHALL DISCLOSE THE CONTRACT TO THE EDUCATIONAL INSTITUTION; TO PROVIDE THAT AN EDUCATIONAL INSTITUTION, BOOSTER, THIRD-PARTY LICENSEE, OR INDIVIDUAL OR ENTITY SHALL NOT PROVIDE COMPENSATION TO A CURRENT OR PROSPECTIVE STUDENT-ATHLETE AS AN INDUCEMENT FOR HIM TO ENROLL

IN A SPECIFIC INSTITUTION; TO PROVIDE THAT A STUDENT-ATHLETE SHALL NOT ENTER INTO A LIKENESS AGREEMENT THAT RELATES TO THE PROMOTION OF GAMBLING, MARIJUANA, SPORTS BETTING, TOBACCO, ALCOHOL OR OTHER PRODUCTS THAT MAY BE CONSIDERED INCONSISTENT WITH THE EDUCATIONAL INSTITUTION'S VALUES; TO CODIFY NEW SECTION 93-19-17, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PERSONS 18 YEARS OF AGE SHALL HAVE THE CAPACITY TO ENTER INTO BINDING CONTRACTS AFFECTING THE USE OF THEIR NAME, IMAGE, OR LIKENESS WHILE PARTICIPATING IN INTERCOLLEGIATE SPORTS; TO AMEND SECTION 73-42-3, MISSISSIPPI CODE OF 1972, TO INCLUDE COMPENSATION FOR THE USE OF A STUDENT-ATHLETE'S NAME, IMAGE OR LIKENESS IN THE DEFINITION OF "ENDORSEMENT CONTRACT" AND "AGENCY CONTRACT"; TO PROVIDE THAT NO POSTSECONDARY EDUCATIONAL INSTITUTION SHALL BE SUBJECT TO A CLAIM FOR DAMAGES FOR UNFAIR TRADE OR COMPETITION OR TORTIOUS INTERFERENCE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as the "Mississippi Intercollegiate Athletics Compensation Rights Act."

SECTION 2. (1) As used in this act, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(a) "Compensation" means anything of value, monetary or otherwise, including, but not limited to, cash, gifts, in-kind items of value, social media compensation, payments for licensing or use of publicity rights, payments for other intellectual or intangible property rights under federal or state law, and any other form of payment or remuneration, except as excluded under this act.

For the purposes of this act, "compensation" shall not mean or include the following:

(i) Tuition, room, board, books, fees and personal expenses that a postsecondary educational institution provides a student-athlete in accordance with the rules of the athletic

association or conference of which the postsecondary educational institution is a member;

(ii) Federal Pell Grants and other state and federal grants or scholarships unrelated to, and not awarded because of a student-athlete's participation in intercollegiate athletics or sports competition;

(iii) Any other financial aid, benefits or awards that a postsecondary educational institution provides a student-athlete in accordance with the rules of the athletic association or conference of which the postsecondary educational institution is a member; or

(iv) The payment of wages and benefits to a student-athlete for work actually performed (but not for athletic ability or participation in intercollegiate athletics) at a rate commensurate with the prevailing rate for similar work in the locality of the student-athlete's postsecondary educational institution.

(b) "Image" means a picture of the student-athlete.

(c) "Intercollegiate athletics program" means an intercollegiate athletics program played at the collegiate level for which eligibility requirements for participation by a student-athlete are established by a national association for the promotion or regulation of collegiate athletics.

(d) "Likeness" means a physical, digital or other depiction or representation of a student-athlete.

(e) "Name" means the first or last name, or the nickname, of a student-athlete when used in a context that reasonably identifies the student-athlete with particularity.

(f) "Name, Image and Likeness Agreement" means a contract or similar arrangement between a student-athlete and a third-party licensee regarding the commercial use of the name, image or likeness of the student-athlete.

(g) "Publicity right" means any right that is:

(i) Licensed under a name, image, and likeness agreement; or

(ii) Recognized under a federal or state law that permits an individual to control and profit from the commercial use of the name, image or likeness of the individual.

(h) "Postsecondary educational institution" means a public university or community college or private university or college.

(i) "Social media compensation" means all forms of payment for engagement on social media received by a student-athlete as a result of the use of that student-athlete's name, image or likeness.

(j) "Student-athlete" means an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in, intercollegiate athletics program at a postsecondary educational institution. If an individual is permanently ineligible to participate in a particular intercollegiate sport,

the individual is not a student-athlete for purposes of that sport.

(k) "Third-party licensee" means any individual or entity that licenses publicity rights or the use of name, image or likeness from any prospective or current student-athlete or group of student-athletes. The term "third-party licensee" shall not include any national association for the promotion or regulation of collegiate athletics, athletics conference, or postsecondary educational institution.

SECTION 3. (1) Except as provided in Section 4 of this act, a student-athlete may:

(a) Earn compensation, commensurate with market value, for the use of the name, image, or likeness of the student-athlete while enrolled at a postsecondary educational institution; and

(b) Obtain and retain a certified agent for any matter or activity relating to such compensation.

(2) No student-athlete may earn compensation in exchange for the student-athlete's athletic ability or participation in intercollegiate athletics or sports competition.

(3) Notwithstanding any other provision of applicable law or agreement to the contrary, a student-athlete shall not be deemed an employee or independent contractor of an association, a conference, or a postsecondary educational institution based on the student-athlete's participation in an intercollegiate athletics program.

SECTION 4. (1) Except as provided for under this act, a postsecondary educational institution shall not uphold any contract, rule, regulation, standard or other requirement that prevents a student-athlete of that institution from earning compensation as a result of the use of the student's name, image, or likeness. Any such contract, rule, regulation standard or other requirement shall be void and unenforceable against the postsecondary educational institution or the student-athlete. Compensation from the use of a student-athlete's name, image, or likeness may not affect the student-athlete's scholarship eligibility, grant-in-aid or other financial aid, awards or benefits, or the student-athlete's intercollegiate athletic eligibility. Nothing in this act is intended to alter any state and federal laws or regulations regarding the award of financial aid at postsecondary educational institutions.

(2) Except as provided for in this act, an athletic association, conference or other group or organization with authority over intercollegiate athletic programs, including, but not limited to, the National Collegiate Athletic Association (NCAA) and the National Junior College Athletic Association (NJCAA), shall not prevent, or otherwise enforce a contract, rule, regulation, standard or other requirement that prevents, a student-athlete of a postsecondary educational institution from earning compensation as a result of the use of the student-athlete's name, image or likeness.

(3) To protect the integrity of its educational mission and intercollegiate athletics program, a postsecondary educational institution may impose reasonable limitations on the dates and time that a student-athlete may participate in endorsement, promotional, social media or other activities related to the license or use of the student-athlete's name, image and likeness. Nothing in this act shall restrict a postsecondary educational institution from exercising its sole discretion to control the authorized use of its marks or logos or to determine a student-athlete's apparel, gear or other wearables during an intercollegiate athletics competition or institution-sponsored event. A student-athlete may not receive or enter into a contract for compensation for the use of his or her name, image or likeness in a way that also uses any registered or licensed marks, logos, verbiage or designs of a postsecondary institution, unless the institution has provided the student-athlete with written permission to do so prior to execution of the contract or receipt of compensation. If permission is granted, the postsecondary educational institution, by agreement of all parties, may be compensated for the use in a manner consistent with market rates. A postsecondary educational institution may also prohibit a student-athlete from wearing any item of clothing, shoes, or other gear or wearables with the name, logo or insignia of any entity during an intercollegiate athletics competition or institution-sponsored event.

(4) An athletic association, conference or other group or organization with authority over intercollegiate athletics programs, including, but not limited to, the National Collegiate Athletic Association and the National Junior College Athletic Association, shall not enforce a contract, rule, regulation, standard or other requirement that prevents a postsecondary educational institution from participating in an intercollegiate athletics program as a result of the compensation of a student-athlete for the use of the student-athlete's name, image or likeness.

(5) A postsecondary educational institution, athletic association, conference or other group or organization with authority over intercollegiate athletics programs, including, but not limited to, the National Collegiate Athletic Association and the National Junior College Athletic Association, shall not, directly or indirectly:

(a) Enter into, or offer to enter into, a name, image and likeness agreement with a prospective or current student-athlete; or

(b) Provide a prospective or current student-athlete or the student-athlete's family compensation in relation to the use of the student-athlete's name, image or likeness.

(6) A postsecondary educational institution, athletic association, conference or other group or organization with authority over intercollegiate athletics programs, including, but

not limited to, the National Collegiate Athletic Association and the National Junior College Athletic Association shall not prevent a student-athlete from obtaining professional representation in relation to name, image or likeness, or to secure a name, image and likeness agreement, including, but not limited to, representation provided by athlete agents or legal representation provided by attorneys. A student-athlete shall provide the postsecondary educational institution with written notice at least seven (7) days prior to entering into a representation agreement with any individual for the purpose of exploring or securing compensation for use of the student-athlete's name, image or likeness.

(7) Professional representation obtained by student-athletes must be from persons registered as athlete agents as provided in Section 73-42-1 et seq. of the Uniform Athlete Agent Act. Attorneys who provide legal representation to student-athletes must be licensed to practice law in the State of Mississippi and in good standing with The Mississippi Bar.

(8) Athlete agents representing student-athletes shall comply with the Uniform Athlete Agents Act, Section 73-42-1 et seq., Mississippi Code of 1972, and the federal Sports Agent Responsibility and Trust Act in 15 USC Sections 7801-7807 in their relationships with student-athletes.

(9) A grant-in-aid, including cost of attendance, and other permissible financial aid, awards or benefits from the

postsecondary educational institution in which a student-athlete is enrolled shall not be revoked, reduced, nor the terms and conditions altered, as a result of a student-athlete earning compensation or obtaining professional or legal representation pursuant to this act.

(10) Before any contract for compensation for the use of a student-athlete's name, image or likeness is executed, and before any compensation is provided to the student-athlete in advance of a contract, the student-athlete shall disclose the contract to a designated official of the postsecondary educational institution in which the student is enrolled in a manner prescribed by the institution.

(11) A third-party licensee may not enter into, or offer to enter into, a name, image and likeness agreement with a student-athlete or otherwise compensate a student-athlete for the use of the student-athlete's name, image and likeness rights if a provision of the name, image and likeness agreement or the use of the student-athlete's name, image and likeness rights conflicts with a provision of a contract, rule, regulation, standard or other requirement of the postsecondary educational institution unless such contract or use is expressly approved in writing by the postsecondary educational institution.

(12) No postsecondary educational institution, booster, third-party licensee or any other individual or entity shall provide a prospective or current student-athlete compensation or

enter into a name, image and likeness agreement as an inducement for the student-athlete to attend or enroll in a specific institution or group of institutions. Compensation for a student-athlete's name, image, or likeness may not be conditioned on athletic performance or attendance at a particular postsecondary educational institution.

(13) No student-athlete shall enter into a name, image, and likeness agreement or receive compensation from a third-party licensee relating to the name, image or likeness of the student-athlete before the date on which the student-athlete enrolls at a postsecondary educational institution.

(14) No student-athlete shall enter into a name, image, and likeness agreement or receive compensation from a third-party licensee for the endorsement or promotion of gambling, sports betting, controlled substances, marijuana, tobacco or alcohol company, brand or products, alternative or electronic nicotine product or delivery system, performance-enhancing supplements, adult entertainment or any other product or service that is reasonably considered to be inconsistent with the values or mission of a postsecondary educational institution or that negatively impacts or reflects adversely on a postsecondary education institution or its athletic programs, including, without limitation, bringing about public disrepute, embarrassment, scandal, ridicule or otherwise negatively impacting the reputation

or the moral or ethical standards of the postsecondary educational institution.

(15) A contract for the use of the a student-athlete's name, image, or likeness which is formed while the student-athlete is participating in an intercollegiate sport at a postsecondary educational institution may not extend beyond the student-athlete's participation in the sport at the institution.

(16) Nothing in this act shall be interpreted to modify any requirements or obligations imposed under Title IX of the Education Amendments of 1972 (20 USC 1681 et seq.).

SECTION 5. The following shall be codified as Section 93-19-17, Mississippi Code of 1972:

93-19-17. (1) All persons eighteen (18) years of age or older, if not otherwise disqualified, or prohibited by law, shall have the capacity to enter into binding contractual relationships affecting the use of their name, image or likeness while participating in intercollegiate sports as student-athletes. Nothing in this section shall be construed to affect any contracts entered into prior to the effective date of this act.

(2) In any legal action founded on a student-athlete name, image or likeness contract entered into by a person eighteen (18) years of age or older, the person may sue in his or her own name as an adult and be sued in his or her own name as an adult and be served with process as an adult.

(3) For purposes of this section:

(a) "Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student-athlete are established by a national association for the promotion or regulation of collegiate athletics; and

(b) "Student-athlete" means an individual who engages in, is eligible to engage in, or may be eligible in the future to engage in, any intercollegiate athletics program at a postsecondary educational institution. If an individual is permanently ineligible to participate in a particular intercollegiate sport, the individual is not a student-athlete for purposes of that sport.

SECTION 6. Section 73-42-3, Mississippi Code of 1972, is amended as follows:

73-42-3. In this chapter:

(a) "Agency contract" means an agreement in which a student-athlete authorizes a person to negotiate or solicit on behalf of the student-athlete a professional-sports-services contract, an endorsement contract, compensation for the use of the student-athlete's name, image or likeness, or enrollment at any educational institution that offers an athletic scholarship to the student-athlete.

(b) "Athlete agent" means an individual who enters into an agency contract with a student-athlete or, directly or indirectly, recruits, induces or solicits a student-athlete to

enter into an agency contract. The term does not include a spouse, parent, sibling, grandparent or guardian of the student-athlete or an individual acting solely on behalf of a professional sports team or professional sports organization. The term includes an individual who represents to the public that the individual is an athlete agent.

(c) "Athletic director" means an individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male students and female students, the athletic program for males or the athletic program for females, as appropriate.

(d) "Contact" means a communication, direct or indirect, written or oral, between an athlete agent and a student-athlete, to recruit, induce or solicit the student-athlete to enter into an agency contract.

(e) "Endorsement contract" means:

(i) An agreement under which a student-athlete is employed or receives consideration or anything of value for the student-athlete's publicity, reputation, following, or fame obtained because of the student-athlete's athletic ability or performance * * *; and

(ii) An agreement under which a student-athlete receives compensation, consideration or anything of value for the use of the student-athlete's name, image or likeness.

(f) "Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student-athlete are established by a national association for the promotion or regulation of collegiate athletics.

(g) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency or instrumentality; public corporation, or any other legal or commercial entity.

(h) "Professional-sports-services contract" means an agreement under which an individual is employed or agrees to render services as a player on a professional sports team, with a professional sports organization, or as a professional athlete.

(i) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(j) "Registration" means registration as an athlete agent pursuant to this chapter.

(k) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(l) "Student-athlete" means an individual who engages in, is eligible to engage in, or may be eligible in the future to

engage in, a sport for a professional sports team or in any intercollegiate sport at any educational institution. If an individual is permanently ineligible to participate in a particular intercollegiate sport, the individual is not a student-athlete for purposes of that sport.

SECTION 7. No postsecondary educational institution shall be subject to a claim for damages of any kind under this act, including, without limitation, a claim for unfair trade or competition or tortious interference. No postsecondary educational institution shall be subject to a claim for damages related to its adoption, implementation or enforcement of any contract, rule, regulation, standard or other requirement in compliance with this act. The act is not intended to and shall not waive or diminish any applicable defenses and immunities, including, without limitation, sovereign immunity applicable to postsecondary educational institutions.

SECTION 8. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2434

Description: Department of Public Safety; authorize contract with counties for custody of certain offenders.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Judiciary, Division A
2	01/28	(S) Title Suff Do Pass Comm Sub
3	02/03	(S) Committee Substitute Adopted
4	02/03	(S) Passed {Vote}
5	02/03	(S) Motion to Reconsider Entered
6	02/12	(S) Reconsidered
7	02/12	(S) Amended
8	02/12	(S) Passed As Amended {Vote}
9	02/23	(S) Transmitted To House
10	02/26	(H) Referred To Judiciary B
11	03/02	(H) Title Suff Do Pass As Amended
12	03/09	(H) Amended
13	03/09	(H) Passed As Amended {Vote}
14	03/09	(H) Motion to Reconsider Entered (Bain, Sanford, Summers)
15	03/10	(H) Motion to Reconsider Tabled
16	03/10	(H) Returned For Concurrence
17	03/15	(S) Decline to Concur/Invite Conf
18	03/16	(S) Conferees Named Wiggins,England,Branning
19	03/22	(H) Conferees Named Bain,Newman,Ford (73rd)
20	03/26	(H) Conference Report Filed
21	03/26	(S) Conference Report Filed
22	03/27	(H) Conference Report Adopted {Vote}
23	03/28	(S) Conference Report Adopted {Vote}
24	03/31	(S) Enrolled Bill Signed
25	03/31	(H) Enrolled Bill Signed
26	04/09	Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub)Lost Voice Vote
[S] Amendment No 2 (Cmte Sub)Lost Voice Vote
[S] Amendment No 3 (Cmte Sub)***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2434
Conference Reports:
Conference Report

----- Additional Information -----

Senate Committee: Judiciary, Division A
House Committee: Judiciary B

Principal Author: Wiggins
Additional Authors: Hill, Horhn

Title: AN ACT TO AMEND SECTION 2 OF HOUSE BILL NO. 974, 2021 REGULAR SESSION, TO AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH ANY COUNTY FOR THE COUNTY TO TAKE CUSTODY OF THE MISDEMEANOR OFFENDERS ARRESTED UNDER THE AUTHORITY GRANTED UNDER THIS SECTION; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Wiggins, Hill, Horhn To: Judiciary, Division A

SENATE BILL NO. 2434
(As Sent to Governor)

AN ACT TO AMEND SECTION 2 OF HOUSE BILL NO. 974, 2021 REGULAR SESSION, TO AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WITH ANY COUNTY FOR THE COUNTY TO TAKE CUSTODY OF THE MISDEMEANOR OFFENDERS ARRESTED UNDER THE AUTHORITY GRANTED UNDER THIS SECTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 2 of House Bill No. 974, 2021 Regular Session, is hereby amended as follows:

Section 2. (1) The Department of Public Safety, through the Office of Capitol Police, shall have jurisdiction relative to the enforcement of all laws of the State of Mississippi on the properties, from curb to curb, including adjoining streets, sidewalks and leased parking lots within the Capitol Complex, set forth in Section 29-5-2, the Court of Appeals Building, the Mississippi Department of Transportation Building and the Public Employees' Retirement System Building, and any property purchased, constructed or otherwise acquired by the State of Mississippi for conducting state business and not specifically under the supervision and care by any other state entity, but which is

reasonably assumed the Department of Public Safety would be responsible for such. The Department of Public Safety shall, through any person or persons appointed by the commissioner, make arrests for any violation of any law of the State of Mississippi on the grounds of or within those properties. The Department of Public Safety shall, in addition, enforce the provisions of this section and Sections 29-5-57 through 29-5-67, 29-5-73 through 29-5-75, and 29-5-81 through 29-5-95, and prescribe such rules and regulations as are necessary therefor. The powers and duties related to the administration of Sections 29-5-57 through 29-5-67, 29-5-73 through 29-5-75, and 29-5-81 through 29-5-95 shall remain with the Department of Finance and Administration.

(2) Subject to the approval of the Board of Trustees of State Institutions of Higher Learning, the Board of Trustees and the Department of Public Safety shall be authorized to enter into a contract for the Department of Public Safety to supply the security personnel with jurisdiction to enforce all laws of the State of Mississippi on the property of the Board of Trustees located at the corner of Ridgewood Road and Lakeland Drive in the City of Jackson.

(3) The Department of Public Safety and the Department of Agriculture are authorized to enter into a contract for the Department of Public Safety to have jurisdiction and enforce all laws of the State of Mississippi on the property of the Department of Agriculture located at 121 North Jefferson Street and the new

Farmers Market Building located at the corner of High and Jefferson Streets in the City of Jackson, Hinds County, Mississippi. It is the intent of the Legislature that the Department of Public Safety will not post any security personnel at such buildings, but will provide regular vehicle patrols and responses to security system alarms.

(4) The Department of Public Safety and the Mississippi Fair Commission are authorized to enter into a contract for the Department of Public Safety to have jurisdiction and enforce all laws of the State of Mississippi on the property of the Mississippi Fair Commission known as the "Mississippi State Fairgrounds Complex" and any and all of its outlying buildings and property. The Department of Public Safety and the Mississippi Fair Commission are authorized to enter into a contract for the Department of Public Safety to supply the security personnel to the Mississippi Fair Commission with jurisdiction to enforce all laws of the State of Mississippi on this property and any and all buildings on this property.

(5) The Department of Public Safety and the Department of Revenue are authorized to enter into a contract for the Department of Public Safety to supply the security personnel with jurisdiction to enforce all laws of the State of Mississippi at the Alcoholic Beverage Control facility and the Department of Revenue main office.

(6) The Department of Public Safety shall have jurisdiction relative to the enforcement of all laws of the State of Mississippi within the boundaries of the Capitol Complex Improvement District created in Section 29-5-203. The Department of Public Safety shall, through any person or persons appointed by the Department of Public Safety, make arrests for any violation of any law of the State of Mississippi which occurs within the boundaries of the district. The jurisdiction of the Department of Public Safety under this subsection (6) shall be concurrent with the jurisdiction of the City of Jackson, Mississippi, and that of Hinds County, Mississippi. At any time and/or during any event necessitating the coordination of and/or utilization at multiple jurisdictions, the Department of Public Safety shall be the lead agency when the event occurs on property as defined herein. The jurisdiction and authority of the Department of Public Safety under this subsection (6) shall be in addition to any other jurisdiction and authority provided to the department under this section or any other law.

(7) The Department of Public Safety is authorized to enter into a contract with any county for the county to take custody of the misdemeanor offenders arrested under the authority granted under this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2435

Description: Alcoholic beverages; revise various provisions relating to distilleries.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Finance; Accountability, Efficiency, Transparency
2	01/26	(S) DR - TSDP: FI To AC
3	02/02	(S) Title Suff Do Pass
4	02/08	(S) Passed {Vote}
5	02/09	(S) Transmitted To House
6	02/24	(H) Referred To Ways and Means
7	03/02	(H) Title Suff Do Pass As Amended
8	03/08	(H) Read the Third Time
9	03/09	(H) Amended
10	03/09	(H) Passed As Amended {Vote}
11	03/10	(H) Returned For Concurrence
12	03/17	(S) Decline to Concur/Invite Conf
13	03/18	(S) Conferees Named Harkins,Boyd,Sparks
14	03/23	(H) Conferees Named Lamar,Zuber,Powell
15	03/28	(S) Conference Report Filed
16	03/28	(H) Conference Report Filed
17	03/29	(S) Conference Report Adopted {Vote}
18	03/30	(H) Conference Report Adopted {Vote}
19	04/05	(S) Enrolled Bill Signed
20	04/05	(H) Enrolled Bill Signed
21	04/16	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2435

Conference Reports:

| Conference Report

Code Section: A 067-0001-0051, A 067-0001-0041, A 067-0005-0011, A 027-0071-0005

----- Additional Information -----

Senate Committee: Finance, Accountability, Efficiency, Transparency
House Committee: Ways and Means

Principal Author: Boyd

Title: AN ACT TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 1135, 2021 REGULAR SESSION, HOUSE BILL NO. 1288, 2021 REGULAR SESSION, AND SENATE BILL NO. 2606, 2021 REGULAR SESSION, TO ALLOW THE HOLDER OF A DISTILLERY RETAILER'S PERMIT TO SELL ALCOHOLIC BEVERAGES TO CONSUMERS FOR ON-PREMISES CONSUMPTION; TO ALLOW THE PERMITTEE SELLING FOR ON-PREMISES CONSUMPTION TO ADD OTHER BEVERAGES, ALCOHOLIC OR NOT, TO THE PRODUCT MANUFACTURED BY THE MANUFACTURER AT THE DISTILLERY DESCRIBED IN THE PERMIT, SO LONG AS THE TOTAL VOLUME OF OTHER BEVERAGE COMPONENTS CONTAINING ALCOHOL DOES NOT EXCEED 20%; TO SPECIFY THAT HOURS OF ON-PREMISES SALES SHALL BE THE SAME AS THOSE AUTHORIZED FOR ON-PREMISES PERMITTEES IN THE CITY OR COUNTY IN WHICH THE DISTILLERY RETAILER IS LOCATED; TO AMEND SECTION 67-1-41, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2606, 2021 REGULAR SESSION, TO AUTHORIZE THE DEPARTMENT OF REVENUE TO PROMULGATE RULES FACILITATING A RETAILER'S ON-SITE PICKUP OF ALCOHOLIC BEVERAGES SOLD BY THE DEPARTMENT OR AS AUTHORIZED BY THE DEPARTMENT, SO THAT THOSE ALCOHOLIC BEVERAGES MAY BE DELIVERED TO THE RETAILER AT THE MANUFACTURER'S LOCATION INSTEAD OF VIA SHIPMENT FROM THE DEPARTMENT'S WAREHOUSE; TO AMEND SECTION 67-5-11, MISSISSIPPI CODE OF 1972, TO ALLOW DISTILLERY RETAILERS TO HOLD, FOR ONSITE PICKUP, SPIRITS SOLD TO RETAILERS THROUGH THE DEPARTMENT OF REVENUE, INSTEAD OF SHIPPING THEM TO THE DEPARTMENT WAREHOUSE; TO AMEND SECTION 27-71-5, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 1135, 2021 REGULAR SESSION, HOUSE BILL NO. 1288, 2021 REGULAR SESSION, AND SENATE BILL NO. 2606, 2021 REGULAR SESSION, TO CREATE TWO PRIVILEGE LICENSE TAX TIERS FOR THE MANUFACTURER'S PERMIT, CLASS 1, APPLYING TO DISTILLERS AND RECTIFIERS, BASED ON ANNUAL PRODUCTION VOLUME; TO REMOVE THE PROVISION THAT, IF A PERSON APPROVED FOR A MANUFACTURER'S PERMIT, CLASS 1, DISTILLER'S PERMIT PRODUCES A PRODUCT WITH AT LEAST 51% OF THE FINISHED PRODUCT BY VOLUME BEING OBTAINED FROM ALCOHOLIC FERMENTATION OF GRAPES, FRUITS, BERRIES, HONEY AND/OR VEGETABLES GROWN AND PRODUCED IN MISSISSIPPI, AND PRODUCES ALL OF THE PRODUCT BY USING NOT MORE THAN ONE STILL HAVING A MAXIMUM CAPACITY OF 150 LITERS, THE ANNUAL PRIVILEGE LICENSE TAX FOR SUCH A PERMIT SHALL BE $10.00 PER 10,000 GALLONS OR PART THEREOF PRODUCED; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Boyd

To: Finance; Accountability, Efficiency, Transparency

SENATE BILL NO. 2435
(As Sent to Governor)

AN ACT TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 1135, 2021 REGULAR SESSION, HOUSE BILL NO. 1288, 2021 REGULAR SESSION, AND SENATE BILL NO. 2606, 2021 REGULAR SESSION, TO ALLOW THE HOLDER OF A DISTILLERY RETAILER'S PERMIT TO SELL ALCOHOLIC BEVERAGES TO CONSUMERS FOR ON-PREMISES CONSUMPTION; TO ALLOW THE PERMITTEE SELLING FOR ON-PREMISES CONSUMPTION TO ADD OTHER BEVERAGES, ALCOHOLIC OR NOT, TO THE PRODUCT MANUFACTURED BY THE MANUFACTURER AT THE DISTILLERY DESCRIBED IN THE PERMIT, SO LONG AS THE TOTAL VOLUME OF OTHER BEVERAGE COMPONENTS CONTAINING ALCOHOL DOES NOT EXCEED 20%; TO SPECIFY THAT HOURS OF ON-PREMISES SALES SHALL BE THE SAME AS THOSE AUTHORIZED FOR ON-PREMISES PERMITTEES IN THE CITY OR COUNTY IN WHICH THE DISTILLERY RETAILER IS LOCATED; TO AMEND SECTION 67-1-41, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2606, 2021 REGULAR SESSION, TO AUTHORIZE THE DEPARTMENT OF REVENUE TO PROMULGATE RULES FACILITATING A RETAILER'S ON-SITE PICKUP OF ALCOHOLIC BEVERAGES SOLD BY THE DEPARTMENT OR AS AUTHORIZED BY THE DEPARTMENT, SO THAT THOSE ALCOHOLIC BEVERAGES MAY BE DELIVERED TO THE RETAILER AT THE MANUFACTURER'S LOCATION INSTEAD OF VIA SHIPMENT FROM THE DEPARTMENT'S WAREHOUSE; TO AMEND SECTION 67-5-11, MISSISSIPPI CODE OF 1972, TO ALLOW DISTILLERY RETAILERS TO HOLD, FOR ONSITE PICKUP, SPIRITS SOLD TO RETAILERS THROUGH THE DEPARTMENT OF REVENUE, INSTEAD OF SHIPPING THEM TO THE DEPARTMENT WAREHOUSE; TO AMEND SECTION 27-71-5, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 1135, 2021 REGULAR SESSION, HOUSE BILL NO. 1288, 2021 REGULAR SESSION, AND SENATE BILL NO. 2606, 2021 REGULAR SESSION, TO CREATE TWO PRIVILEGE LICENSE TAX TIERS FOR THE MANUFACTURER'S PERMIT, CLASS 1, APPLYING TO DISTILLERS AND RECTIFIERS, BASED ON ANNUAL PRODUCTION VOLUME; TO REMOVE THE PROVISION THAT, IF A PERSON APPROVED FOR A MANUFACTURER'S PERMIT, CLASS 1, DISTILLER'S PERMIT PRODUCES A PRODUCT WITH AT LEAST 51% OF THE FINISHED PRODUCT BY VOLUME BEING OBTAINED FROM ALCOHOLIC FERMENTATION OF GRAPES, FRUITS, BERRIES, HONEY AND/OR VEGETABLES GROWN AND PRODUCED IN MISSISSIPPI, AND PRODUCES ALL OF THE PRODUCT

BY USING NOT MORE THAN ONE STILL HAVING A MAXIMUM CAPACITY OF 150 LITERS, THE ANNUAL PRIVILEGE LICENSE TAX FOR SUCH A PERMIT SHALL BE $10.00 PER 10,000 GALLONS OR PART THEREOF PRODUCED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 67-1-51, Mississippi Code of 1972, as amended by House Bill No. 1135, 2021 Regular Session, House Bill No. 1288, 2021 Regular Session, and Senate Bill No. 2606, 2021 Regular Session, is amended as follows:

67-1-51. (1) Permits which may be issued by the department shall be as follows:

(a) **Manufacturer's permit.** A manufacturer's permit shall permit the manufacture, importation in bulk, bottling and storage of alcoholic liquor and its distribution and sale to manufacturers holding permits under this chapter in this state and to persons outside the state who are authorized by law to purchase the same, and to sell as provided by this chapter.

Manufacturer's permits shall be of the following classes:

Class 1. Distiller's and/or rectifier's permit, which shall authorize the holder thereof to operate a distillery for the production of distilled spirits by distillation or redistillation and/or to operate a rectifying plant for the purifying, refining, mixing, blending, flavoring or reducing in proof of distilled spirits and alcohol.

Class 2. Wine manufacturer's permit, which shall authorize the holder thereof to manufacture, import in bulk, bottle and store wine or vinous liquor.

Class 3. Native wine producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native wines.

Class 4. Native spirit producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native spirits.

(b) **Package retailer's permit.** Except as otherwise provided in this paragraph and Section 67-1-52, a package retailer's permit shall authorize the holder thereof to operate a store exclusively for the sale at retail in original sealed and unopened packages of alcoholic beverages, including native wines and native spirits, not to be consumed on the premises where sold. Alcoholic beverages shall not be sold by any retailer in any package or container containing less than fifty (50) milliliters by liquid measure. A package retailer's permit, with prior approval from the department, shall authorize the holder thereof to sample new product furnished by a manufacturer's representative or his employees at the permitted place of business so long as the sampling otherwise complies with this chapter and applicable department regulations. Such samples may not be provided to customers at the permitted place of business. In addition to the sale at retail of packages of alcoholic beverages, the holder of a package retailer's permit is authorized to sell at retail corkscrews, wine glasses, soft drinks, ice, juices, mixers and other beverages commonly used to mix with alcoholic beverages.

Nonalcoholic beverages sold by the holder of a package retailer's permit shall not be consumed on the premises where sold.

(c) **On-premises retailer's permit.** Except as otherwise provided in subsection (5) of this section, an on-premises retailer's permit shall authorize the sale of alcoholic beverages, including native wines and native spirits, for consumption on the licensed premises only; however, a patron of the permit holder may remove one (1) bottle of wine from the licensed premises if: (i) the patron consumed a portion of the bottle of wine in the course of consuming a meal purchased on the licensed premises; (ii) the permit holder securely reseals the bottle; (iii) the bottle is placed in a bag that is secured in a manner so that it will be visibly apparent if the bag is opened; and (iv) a dated receipt for the wine and the meal is available. Additionally, as part of a carryout order, a permit holder may sell one (1) bottle of wine to be removed from the licensed premises for every two (2) entrees ordered. Such a permit shall be issued only to qualified hotels, restaurants and clubs, and to common carriers with adequate facilities for serving passengers. In resort areas, whether inside or outside of a municipality, the department, in its discretion, may issue on-premises retailer's permits to such establishments as it deems proper. An on-premises retailer's permit when issued to a common carrier shall authorize the sale and serving of alcoholic beverages aboard any licensed vehicle while moving through any county of the state; however, the sale of

such alcoholic beverages shall not be permitted while such vehicle is stopped in a county that has not legalized such sales. If an on-premises retailer's permit is applied for by a common carrier operating solely in the water, such common carrier must, along with all other qualifications for a permit, (i) be certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers and (ii) operate primarily in the waters within the State of Mississippi which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi and/or on the Mississippi River or navigable waters within any county bordering on the Mississippi River.

(d) **Solicitor's permit.** A solicitor's permit shall authorize the holder thereof to act as salesman for a manufacturer or wholesaler holding a proper permit, to solicit on behalf of his employer orders for alcoholic beverages, and to otherwise promote his employer's products in a legitimate manner. Such a permit shall authorize the representation of and employment by one (1) principal only. However, the permittee may also, in the discretion of the department, be issued additional permits to represent other principals. No such permittee shall buy or sell alcoholic beverages for his own account, and no such beverage shall be brought into this state in pursuance of the exercise of such permit otherwise than through a permit issued to a wholesaler or manufacturer in the state.

(e) **Native wine retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native wine retailer's permit shall be issued only to a holder of a Class 3 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native wines to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native winery. When selling to consumers for on-premises consumption, a holder of a native wine retailer's permit may add to the native wine alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%) of the mixed beverage. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native wine retailer is located.

(f) **Temporary retailer's permit.** Except as otherwise provided in subsection (5) of this section, a temporary retailer's permit shall permit the purchase and resale of alcoholic beverages, including native wines and native spirits, during legal hours on the premises described in the temporary permit only.

Temporary retailer's permits shall be of the following classes:

Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the sale of alcoholic beverages, including native wine and native

spirit, for consumption on the premises described in the temporary permit only. Class 1 permits may be issued only to applicants demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days prior to the proposed date or such other time as the department may determine, that they meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all alcoholic beverages from package retailers located in the county in which the temporary permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2. A temporary permit, not to exceed seventy (70) days, may be issued to prospective permittees seeking to transfer a permit authorized in paragraph (c) of this subsection. A Class 2 permit may be issued only to applicants demonstrating to the department, by a statement signed under the penalty of perjury, that they meet the qualifications of Sections 67-1-5(l), (m), (n), (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and

67-1-59. The department, following a preliminary review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2 temporary permittees must purchase their alcoholic beverages directly from the department or, with approval of the department, purchase the remaining stock of the previous permittee. If the proposed applicant of a Class 1 or Class 2 temporary permit falsifies information contained in the application or statement, the applicant shall never again be eligible for a retail alcohol beverage permit and shall be subject to prosecution for perjury.

Class 3. A temporary one-day permit may be issued to a retail establishment authorizing the complimentary distribution of wine, including native wine, to patrons of the retail establishment at an open house or promotional event, for consumption only on the premises described in the temporary permit. A Class 3 permit may be issued only to an applicant demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days before the proposed date or such other time as the department may determine, that it meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. A Class 3 permit holder shall obtain all alcoholic beverages from the holder(s) of a package retailer's permit located in the county in which the temporary permit is issued. Wine remaining in stock

upon expiration of the temporary permit may be returned by the Class 3 temporary permit holder to the package retailer for a refund of the purchase price, with consent of the package retailer, or may be kept by the Class 3 temporary permit holder exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. No retailer may receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to a retail establishment that either holds a merchant permit issued under paragraph (l) of this subsection, or holds a permit issued under Chapter 3, Title 67, Mississippi Code of 1972, authorizing the holder to engage in the business of a retailer of light wine or beer.

(g) **Caterer's permit.** A caterer's permit shall permit the purchase of alcoholic beverages by a person engaging in business as a caterer and the resale of alcoholic beverages by such person in conjunction with such catering business. No person shall qualify as a caterer unless forty percent (40%) or more of the revenue derived from such catering business shall be from the serving of prepared food and not from the sale of alcoholic beverages and unless such person has obtained a permit for such business from the Department of Health. A caterer's permit shall

not authorize the sale of alcoholic beverages on the premises of the person engaging in business as a caterer; however, the holder of an on-premises retailer's permit may hold a caterer's permit. When the holder of an on-premises retailer's permit or an affiliated entity of the holder also holds a caterer's permit, the caterer's permit shall not authorize the service of alcoholic beverages on a consistent, recurring basis at a separate, fixed location owned or operated by the caterer, on-premises retailer or affiliated entity and an on-premises retailer's permit shall be required for the separate location. All sales of alcoholic beverages by holders of a caterer's permit shall be made at the location being catered by the caterer, and, except as otherwise provided in subsection (5) of this section, such sales may be made only for consumption at the catered location. The location being catered may be anywhere within a county or judicial district that has voted to come out from under the dry laws or in which the sale and distribution of alcoholic beverages is otherwise authorized by law. Such sales shall be made pursuant to any other conditions and restrictions which apply to sales made by on-premises retail permittees. The holder of a caterer's permit or his employees shall remain at the catered location as long as alcoholic beverages are being sold pursuant to the permit issued under this paragraph (g), and the permittee shall have at the location the identification card issued by the Alcoholic Beverage Control Division of the department. No unsold alcoholic beverages may be

left at the catered location by the permittee upon the conclusion of his business at that location. Appropriate law enforcement officers and Alcoholic Beverage Control Division personnel may enter a catered location on private property in order to enforce laws governing the sale or serving of alcoholic beverages.

(h) **Research permit.** A research permit shall authorize the holder thereof to operate a research facility for the professional research of alcoholic beverages. Such permit shall authorize the holder of the permit to import and purchase limited amounts of alcoholic beverages from the department or from importers, wineries and distillers of alcoholic beverages for professional research.

(i) **Alcohol processing permit.** An alcohol processing permit shall authorize the holder thereof to purchase, transport and possess alcoholic beverages for the exclusive use in cooking, processing or manufacturing products which contain alcoholic beverages as an integral ingredient. An alcohol processing permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in the business of cooking, processing or manufacturing products which contain alcoholic beverages. The amounts of alcoholic beverages allowed under an alcohol processing permit shall be set by the department.

(j) **Hospitality cart permit.** A hospitality cart permit shall authorize the sale of alcoholic beverages from a mobile cart on a golf course that is the holder of an on-premises retailer's

permit. The alcoholic beverages sold from the cart must be consumed within the boundaries of the golf course.

(k) **Special service permit.** A special service permit shall authorize the holder to sell commercially sealed alcoholic beverages to the operator of a commercial or private aircraft for en route consumption only by passengers. A special service permit shall be issued only to a fixed-base operator who contracts with an airport facility to provide fueling and other associated services to commercial and private aircraft.

(l) **Merchant permit.** Except as otherwise provided in subsection (5) of this section, a merchant permit shall be issued only to the owner of a spa facility, an art studio or gallery, or a cooking school, and shall authorize the holder to serve complimentary by the glass wine only, including native wine, at the holder's spa facility, art studio or gallery, or cooking school. A merchant permit holder shall obtain all wine from the holder of a package retailer's permit.

(m) **Temporary alcoholic beverages charitable auction permit.** A temporary permit, not to exceed five (5) days, may be issued to a qualifying charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code of 1986. The permit shall authorize the holder to sell alcoholic beverages for the limited purpose of raising funds for the organization during a live or silent auction that is conducted by the organization and that meets the following

requirements: (i) the auction is conducted in an area of the state where the sale of alcoholic beverages is authorized; (ii) if the auction is conducted on the premises of an on-premises retailer's permit holder, then the alcoholic beverages to be auctioned must be stored separately from the alcoholic beverages sold, stored or served on the premises, must be removed from the premises immediately following the auction, and may not be consumed on the premises; (iii) the permit holder may not conduct more than two (2) auctions during a calendar year; (iv) the permit holder may not pay a commission or promotional fee to any person to arrange or conduct the auction.

(n) **Event venue retailer's permit.** An event venue retailer's permit shall authorize the holder thereof to purchase and resell alcoholic beverages, including native wines and native spirits, for consumption on the premises during legal hours during events held on the licensed premises if food is being served at the event by a caterer who is not affiliated with or related to the permittee. The caterer must serve at least three (3) entrees. The permit may only be issued for venues that can accommodate two hundred (200) persons or more. The number of persons a venue may accommodate shall be determined by the local fire department and such determination shall be provided in writing and submitted along with all other documents required to be provided for an on-premises retailer's permit. The permittee must derive the majority of its revenue from event-related fees, including, but

not limited to, admission fees or ticket sales for live entertainment in the building. "Event-related fees" do not include alcohol, beer or light wine sales or any fee which may be construed to cover the cost of alcohol, beer or light wine. This determination shall be made on a per event basis. An event may not last longer than two (2) consecutive days per week.

(o) **Temporary theatre permit.** A temporary theatre permit, not to exceed five (5) days, may be issued to a charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code and owns or operates a theatre facility that features plays and other theatrical performances and productions. Except as otherwise provided in subsection (5) of this section, the permit shall authorize the holder to sell alcoholic beverages, including native wines and native spirits, to patrons of the theatre during performances and productions at the theatre facility for consumption during such performances and productions on the premises of the facility described in the permit. A temporary theatre permit holder shall obtain all alcoholic beverages from package retailers located in the county in which the permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary theatre permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and

consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages.

(p) **Charter ship operator's permit.** Subject to the provisions of this paragraph (p), a charter ship operator's permit shall authorize the holder thereof and its employees to serve, monitor, store and otherwise control the serving and availability of alcoholic beverages to customers of the permit holder during private charters under contract provided by the permit holder. A charter ship operator's permit shall authorize such action by the permit holder and its employees only as to alcoholic beverages brought onto the permit holder's ship by customers of the permit holder as part of such a private charter. All such alcoholic beverages must be removed from the charter ship at the conclusion of each private charter. A charter ship operator's permit shall not authorize the permit holder to sell, charge for or otherwise supply alcoholic beverages to customers, except as authorized in this paragraph (p). For the purposes of this paragraph (p), "charter ship operator" means a common carrier that (i) is certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers, (ii) operates only in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, and (iii) provides charters under contract for tours and trips in such waters.

(q) **Distillery retailer's permit.** The holder of a Class 1 manufacturer's permit may obtain a distillery retailer's permit. A distillery retailer's permit shall authorize the holder thereof to sell at retail alcoholic beverages to consumers for on-premises consumption, or to consumers by the sealed and unopened bottle from a retail location at the distillery for off-premises consumption. The holder may only sell product manufactured by the manufacturer at the distillery described in the permit. However, when selling to consumers for on-premises consumption, a holder of a distillery retailer's permit may add other beverages, alcoholic or not, so long as the total volume of other beverage components containing alcohol does not exceed twenty percent (20%). Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the distillery retailer is located.

The holder shall not sell at retail more than ten percent (10%) of the alcoholic beverages produced annually at its distillery. The holder shall not make retail sales of more than two and twenty-five one-hundredths (2.25) liters, in the aggregate, of the alcoholic beverages produced at its distillery to any one (1) individual for consumption off the premises of the distillery within a twenty-four-hour period. The hours of sale shall be the same as those hours for package retailers under this chapter. The holder of a distillery retailer's permit is not required to purchase the alcoholic beverages authorized to be sold

by this paragraph from the department's liquor distribution warehouse; however, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder shall pay to the department all taxes, fees and surcharges on the alcoholic beverages that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. In addition to alcoholic beverages, the holder of a distillery retailer's permit may sell at retail promotional products from the same retail location, including shirts, hats, glasses, and other promotional products customarily sold by alcoholic beverage manufacturers.

(r) **Festival Wine Permit.** Any wine manufacturer or native wine producer permitted by Mississippi or any other state is eligible to obtain a Festival Wine Permit. This permit authorizes the entity to transport product manufactured by it to festivals held within the State of Mississippi and sell sealed, unopened bottles to festival participants. The holder of this permit may provide samples at no charge to participants. "Festival" means any event at which three (3) or more vendors are present at a location for the sale or distribution of goods. The holder of a Festival Wine Permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse. However, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder of this

permit shall pay to the department all taxes, fees and surcharges on the alcoholic beverages sold at such festivals that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. Additionally, the entity shall file all applicable reports and returns as prescribed by the department. This permit is issued per festival and provides authority to sell for two (2) consecutive days during the hours authorized for on-premises permittees' sales in that county or city. The holder of the permit shall be required to maintain all requirements set by Local Option Law for the service and sale of alcoholic beverages. This permit may be issued to entities participating in festivals at which a Class 1 temporary permit is in effect.

This paragraph (r) shall stand repealed from and after July 1, 2023.

(s) **Charter vessel operator's permit.** Subject to the provisions of this paragraph (s), a charter vessel operator's permit shall authorize the holder thereof and its employees to sell and serve alcoholic beverages to passengers of the permit holder during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder. The permit shall authorize the holder to only sell alcoholic beverages, including native wines, to passengers of the charter vessel operator during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder aboard the charter vessel

operator for consumption during such tours and cruises on the premises of the charter vessel operator described in the permit. For the purposes of this paragraph (s), "charter vessel operator" means a common carrier that (i) is certified to carry at least forty-nine (49) passengers, (ii) operates only in the waters within the State of Mississippi, which lie south of Interstate-10 in the three (3) most southern counties in the State of Mississippi, and lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, extending not further than one (1) mile south of such counties, and (iii) provides vessel services for tours and cruises in such waters as provided in this paragraph (s).

(* * *t) **Native spirit retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native spirit retailer's permit shall be issued only to a holder of a Class 4 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native spirits to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native distillery. When selling to consumers for on-premises consumption, a holder of a native spirit retailer's permit may add to the native spirit alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%) of the mixed beverage. Hours of sale shall be the

same as those authorized for on-premises permittees in the city or county in which the native spirit retailer is located.

(u) **Delivery service permit.** Any individual, limited liability company, corporation or partnership registered to do business in this state is eligible to obtain a delivery service permit. Subject to the provisions of Section 1 of House Bill No. 1135, 2021 Regular Session, this permit authorizes the permittee, or its employee or an independent contractor acting on its behalf, to deliver alcoholic beverages, beer, light wine and light spirit product from a licensed retailer to a person in this state who is at least twenty-one (21) years of age for the individual's use and not for resale. This permit does not authorize the delivery of alcoholic beverages, beer, light wine or light spirit product to the premises of a location with a permit for the manufacture, distribution or retail sale of alcoholic beverages, beer, light wine or light spirit product. The holder of a package retailer's permit or an on-premises retailer's permit under Section 67-1-51 or of a beer, light wine and light spirit product permit under Section 67-3-19 is authorized to apply for a delivery service permit as a privilege separate from its existing retail permit.

(2) Except as otherwise provided in subsection (4) of this section, retail permittees may hold more than one (1) retail permit, at the discretion of the department.

(3) Except as otherwise provided in this subsection, no authority shall be granted to any person to manufacture, sell or

store for sale any intoxicating liquor as specified in this chapter within four hundred (400) feet of any church, school, kindergarten or funeral home. However, within an area zoned commercial or business, such minimum distance shall be not less than one hundred (100) feet.

A church or funeral home may waive the distance restrictions imposed in this subsection in favor of allowing issuance by the department of a permit, pursuant to subsection (1) of this section, to authorize activity relating to the manufacturing, sale or storage of alcoholic beverages which would otherwise be prohibited under the minimum distance criterion. Such waiver shall be in written form from the owner, the governing body, or the appropriate officer of the church or funeral home having the authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.

The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a bed and breakfast inn listed in the National Register of Historic Places or to the sale or storage of alcoholic beverages in a historic district that is listed in the National Register of Historic Places, is a qualified resort area and is located in a municipality having a population greater than one hundred thousand (100,000) according to the latest federal decennial census.

(4) No person, either individually or as a member of a firm, partnership, limited liability company or association, or as a

stockholder, officer or director in a corporation, shall own or control any interest in more than one (1) package retailer's permit, nor shall such person's spouse, if living in the same household of such person, any relative of such person, if living in the same household of such person, or any other person living in the same household with such person own any interest in any other package retailer's permit.

(5) (a) In addition to any other authority granted under this section, the holder of a permit issued under subsection (1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may sell or otherwise provide alcoholic beverages and/or wine to a patron of the permit holder in the manner authorized in the permit and the patron may remove an open glass, cup or other container of the alcoholic beverage and/or wine from the licensed premises and may possess and consume the alcoholic beverage or wine outside of the licensed premises if: (i) the licensed premises is located within a leisure and recreation district created under Section 67-1-101 and (ii) the patron remains within the boundaries of the leisure and recreation district while in possession of the alcoholic beverage or wine.

(b) Nothing in this subsection shall be construed to allow a person to bring any alcoholic beverages into a permitted premises except to the extent otherwise authorized by this chapter.

SECTION 2. Section 67-1-41, Mississippi Code of 1972, as amended by Senate Bill No. 2606, 2021 Regular Session, is amended as follows:

67-1-41. (1) The department is hereby created a wholesale distributor and seller of alcoholic beverages, not including malt liquors, within the State of Mississippi. It is granted the right to import and sell alcoholic beverages at wholesale within the state, and no person who is granted the right to sell, distribute or receive alcoholic beverages at retail shall purchase any alcoholic beverages from any source other than the department except as authorized in subsections (4), (9) and (12) of this section. The department may establish warehouses, purchase alcoholic beverages in such quantities and from such sources as it may deem desirable and sell the alcoholic beverages to authorized permittees within the state including, at the discretion of the department, any retail distributors operating within any military post or qualified resort areas within the boundaries of the state, keeping a correct and accurate record of all such transactions and exercising such control over the distribution of alcoholic beverages as seem right and proper in keeping with the provisions or purposes of this chapter.

(2) No person for the purpose of sale shall manufacture, distill, brew, sell, possess, export, transport, distribute, warehouse, store, solicit, take orders for, bottle, rectify, blend, treat, mix or process any alcoholic beverage except in

accordance with authority granted under this chapter, or as otherwise provided by law for native wines or native spirits.

(3) No alcoholic beverage intended for sale or resale shall be imported, shipped or brought into this state for delivery to any person other than as provided in this chapter, or as otherwise provided by law for native wines or native spirits.

(4) The department may promulgate rules and regulations which authorize on-premises retailers to purchase limited amounts of alcoholic beverages from package retailers and for package retailers to purchase limited amounts of alcoholic beverages from other package retailers. The department shall develop and provide forms to be completed by the on-premises retailers and the package retailers verifying the transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department.

(5) The department may promulgate rules which authorize the holder of a package retailer's permit to permit individual retail purchasers of packages of alcoholic beverages to return, for exchange, credit or refund, limited amounts of original sealed and unopened packages of alcoholic beverages purchased by the individual from the package retailer.

(6) The department shall maintain all forms to be completed by applicants necessary for licensure by the department at all district offices of the department.

(7) The department may promulgate rules which authorize the manufacturer of an alcoholic beverage or wine to import, transport and furnish or give a sample of alcoholic beverages or wines to the holders of package retailer's permits, on-premises retailer's permits, native wine or native spirit retailer's permits and temporary retailer's permits who have not previously purchased the brand of that manufacturer from the department. For each holder of the designated permits, the manufacturer may furnish not more than five hundred (500) milliliters of any brand of alcoholic beverage and not more than three (3) liters of any brand of wine.

(8) The department may promulgate rules disallowing open product sampling of alcoholic beverages or wines by the holders of package retailer's permits and permitting open product sampling of alcoholic beverages by the holders of on-premises retailer's permits. Permitted sample products shall be plainly identified "sample" and the actual sampling must occur in the presence of the manufacturer's representatives during the legal operating hours of on-premises retailers.

(9) The department may promulgate rules and regulations that authorize the holder of a research permit to import and purchase limited amounts of alcoholic beverages from importers, wineries and distillers of alcoholic beverages or from the department. The department shall develop and provide forms to be completed by the research permittee verifying each transaction. The completed forms shall be forwarded to the department within a period of time

prescribed by the department. The records and inventory of alcoholic beverages shall be open to inspection at any time by the Director of the Alcoholic Beverage Control Division or any duly authorized agent.

(10) The department may promulgate rules facilitating a retailer's on-site pickup of * * * alcoholic beverages sold by the department or as authorized by the department, including, but not limited to, native wines and native spirits, so that those * * * alcoholic beverages may be delivered to the retailer at the * * * manufacturer's location instead of via shipment from the department's warehouse.

(11) **[Through June 30, 2023]** This section shall not apply to alcoholic beverages authorized to be sold by the holder of a distillery retailer's permit or a festival wine permit.

(11) **[From and after July 1, 2023]** This section shall not apply to alcoholic beverages authorized to be sold by the holder of a distillery retailer's permit.

(12) (a) An individual resident of this state who is at least twenty-one (21) years of age may purchase wine from a winery and have the purchase shipped into this state so long as it is shipped to a package retailer permittee in Mississippi; however, the permittee shall pay to the department all taxes, fees and surcharges on the wine that are imposed upon the sale of wine shipped by the department. No credit shall be provided to the permittee for any taxes paid to another state as a result of the

transaction. Package retailers may charge a service fee for receiving and handling shipments from wineries on behalf of the purchasers. The department shall develop and provide forms to be completed by the package retailer permittees verifying the transaction. The completed forms shall be forwarded to the department within a period of time prescribed by the department.

(b) The purchaser of wine that is to be shipped to a package retailer's store shall be required to get the prior approval of the package retailer before any wine is shipped to the package retailer. A purchaser is limited to no more than ten (10) cases of wine per year to be shipped to a package retailer. A package retailer shall notify a purchaser of wine within two (2) days after receiving the shipment of wine. If the purchaser of the wine does not pick up or take the wine from the package retailer within thirty (30) days after being notified by the package retailer, the package retailer may sell the wine as part of his inventory.

(c) Shipments of wine into this state under this section shall be made by a duly licensed carrier. It shall be the duty of every common or contract carrier, and of every firm or corporation that shall bring, carry or transport wine from outside the state for delivery inside the state to package retailer permittees on behalf of consumers, to prepare and file with the department, on a schedule as determined by the department, of known wine shipments containing the name of the common or contract

carrier, firm or corporation making the report, the period of time covered by said report, the name and permit number of the winery, the name and permit number of the package retailer permittee receiving such wine, the weight of the package delivered to each package retailer permittee, a unique tracking number, and the date of delivery. Reports received by the department shall be made available by the department to the public via the Mississippi Public Records Act process in the same manner as other state alcohol filings.

Upon the department's request, any records supporting the report shall be made available to the department within a reasonable time after the department makes a written request for such records. Any records containing information relating to such reports shall be kept and preserved for a period of two (2) years, unless their destruction sooner is authorized, in writing, by the department, and shall be open and available to inspection by the department upon the department's written request. Reports shall also be made available to any law enforcement or regulatory body in the state in which the railroad company, express company, common or contract carrier making the report resides or does business.

Any common or contract carrier that willfully fails to make reports, as provided by this section or any of the rules and regulations of the department for the administration and enforcement of this section, is subject to a notification of

violation. In the case of a continuing failure to make reports, the common or contract carrier is subject to possible license suspension and revocation at the department's discretion.

(d) A winery that ships wine under this section shall be deemed to have consented to the jurisdiction of the courts of this state, of the department, of any other state agency regarding the enforcement of this section, and of any related law, rules or regulations.

(e) Any person who makes, participates in, transports, imports or receives a shipment in violation of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of One Thousand Dollars ($1,000.00) or imprisonment in the county jail for not more than six (6) months, or both. Each shipment shall constitute a separate offense.

(13) If any provision of this chapter, or its application to any person or circumstance, is determined by a court to be invalid or unconstitutional, the remaining provisions shall be construed in accordance with the intent of the Legislature to further limit rather than expand commerce in alcoholic beverages to protect the health, safety, and welfare of the state's residents, and to enhance strict regulatory control over taxation, distribution and sale of alcoholic beverages through the three-tier regulatory system imposed by this chapter upon all alcoholic beverages to curb relationships and practices calculated to stimulate sales and

impair the state's policy favoring trade stability and the promotion of temperance.

SECTION 3. Section 67-5-11, Mississippi Code of 1972, is amended as follows:

67-5-11. (1) Within the State of Mississippi, every native winery is authorized to make sales to the department or to consumers at the location of the native winery or its immediate vicinity. Every native winery is authorized to make sales to any producer, manufacturer, wholesaler, retailer or consumer located outside of the State of Mississippi who are authorized by law to purchase the same.

(2) With respect to native wines or distilled spirits sold by the department to retailers under Section 67-1-41, the native winery or distillery retailer may hold those wines or spirits for onsite pickup instead of shipping them to the department warehouse, at the option of the retailer and pursuant to any rules promulgated by the department.

SECTION 4. Section 27-71-5, Mississippi Code of 1972, as amended by House Bill No. 1135, 2021 Regular Session, House Bill No. 1288, 2021 Regular Session, and Senate Bill No. 2606, 2021 Regular Session, is amended as follows:

27-71-5. (1) Upon each person approved for a permit under the provisions of the Alcoholic Beverage Control Law and amendments thereto, there is levied and imposed for each location for the privilege of engaging and continuing in this state in the

business authorized by such permit, an annual privilege license tax in the amount provided in the following schedule:

(a) Except as otherwise provided in this subsection (1), manufacturer's permit, Class 1, distiller's and/or rectifier's:

(i) For a permittee with annual production of five thousand (5,000) gallons or more..... $4,500.0

(ii) For a permittee with annual production under five thousand (5,000) gallons..... $2,800.0

(b) Manufacturer's permit, Class 2, wine manufacturer..... $1,800.0

(c) Manufacturer's permit, Class 3, native wine manufacturer per ten thousand (10,000) gallons or part thereof produced..... $ 10.0

(d) Manufacturer's permit, Class 4, native spirit manufacturer per one thousand (1,000) gallons or part thereof produced..... $ 300.(

(e) Native wine retailer's permit..... $ 50.0

(f) Package retailer's permit, each..... $ 900.0

(g) On-premises retailer's permit, except for clubs and common carriers, each..... $ 450.0

(h) On-premises retailer's permit for wine of more than five percent (5%) alcohol by weight, but not more than twenty-one percent (21%) alcohol by weight, each..... $ 225.0

(i) On-premises retailer's permit for clubs..... $ 225.0

(j) On-premises retailer's permit for common carriers, per car, plane, or other vehicle..... $ 120.0

(k) Solicitor's permit, regardless of any other provision of law, solicitor's permits shall be issued only in the discretion of the department..... $ 100.0

(l) Filing fee for each application except for an employee identification card..... $ 25.0

(m) Temporary permit, Class 1, each..... $ 10.0

(n) Temporary permit, Class 2, each..... $ 50.0

(o) (i) Caterer's permit..... $ 600.0

(ii) Caterer's permit for holders of on-premises retailer's permit..... $ 150.0

(p) Research permit..... $ 100.0

(q) Temporary permit, Class 3 (wine only)..... $ 10.0

(r) Special service permit..... $ 225.0

(s) Merchant permit..... $ 225.0

(t) Temporary alcoholic beverages charitable auction permit..... $ 10.0

(u) Event venue retailer's permit..... $ 225.0

(v) Temporary theatre permit, each..... $ 10.0

(w) Charter ship operator's permit..... $ 100.0

(x) Distillery retailer's permit..... $ 450.0

(y) Festival wine permit..... $ 10.0

(* * *z) Charter vessel operator's permit..... $ 100.0

(* * *aa) Native spirit retailer's permit..... $ 50.0

(bb) Delivery service permit.....$ 500.(

* * *

In addition to the filing fee imposed by paragraph (l) of this subsection, a fee to be determined by the Department of Revenue may be charged to defray costs incurred to process applications. The additional fees shall be paid into the State Treasury to the credit of a special fund account, which is hereby created, and expenditures therefrom shall be made only to defray the costs incurred by the Department of Revenue in processing alcoholic beverage applications. Any unencumbered balance remaining in the special fund account on June 30 of any fiscal year shall lapse into the State General Fund.

All privilege taxes imposed by this section shall be paid in advance of doing business. A new permittee whose privilege tax is determined by production volume will pay the tax for the first year in accordance with department regulations. The additional privilege tax imposed for an on-premises retailer's permit based upon purchases shall be due and payable on demand.

Paragraph (y) of this subsection shall stand repealed from and after July 1, 2023.

(2) (a) There is imposed and shall be collected from each permittee, except a common carrier, solicitor * * *, a temporary permittee or a delivery service permittee, by the department, an additional license tax equal to the amounts imposed under subsection (1) of this section for the privilege of doing business

within any municipality or county in which the licensee is located.

(b) (i) In addition to the tax imposed in paragraph (a) of this subsection, there is imposed and shall be collected by the department from each permittee described in subsection (1)(f), (g), (h), (m) and (t) of this section, an additional license tax for the privilege of doing business within any municipality or county in which the licensee is located in the amount of Two Hundred Twenty-five Dollars ($225.00) on purchases exceeding Five Thousand Dollars ($5,000.00) and Two Hundred Twenty-five Dollars ($225.00) for each additional purchase of Five Thousand Dollars ($5,000.00), or fraction thereof.

(ii) In addition to the tax imposed in paragraph (a) of this subsection, there is imposed and shall be collected by the department from each permittee described in subsection (1)(n) and (r) of this section, an additional license tax for the privilege of doing business within any municipality or county in which the licensee is located in the amount of Two Hundred Fifty Dollars ($250.00) on purchases exceeding Five Thousand Dollars ($5,000.00) and Two Hundred Twenty-five Dollars ($225.00) for each additional purchase of Five Thousand Dollars ($5,000.00), or fraction thereof.

(iii) Any person who has paid the additional privilege license tax imposed by this paragraph, and whose permit is renewed, may add any unused fraction of Five Thousand Dollars

($5,000.00) purchases to the first Five Thousand Dollars ($5,000.00) purchases authorized by the renewal permit, and no additional license tax will be required until purchases exceed the sum of the two (2) figures.

(c) If the licensee is located within a municipality, the department shall pay the amount of additional license tax collected under this section to the municipality, and if outside a municipality the department shall pay the additional license tax to the county in which the licensee is located. Payments by the department to the respective local government subdivisions shall be made once each month for any collections during the preceding month.

(3) When an application for any permit, other than for renewal of a permit, has been rejected by the department, such decision shall be final. Appeal may be made in the manner provided by Section 67-1-39. Another application from an applicant who has been denied a permit shall not be reconsidered within a twelve-month period.

(4) The number of permits issued by the department shall not be restricted or limited on a population basis; however, the foregoing limitation shall not be construed to preclude the right of the department to refuse to issue a permit because of the undesirability of the proposed location.

(5) If any person shall engage or continue in any business which is taxable under this section without having paid the tax as

provided in this section, the person shall be liable for the full amount of the tax plus a penalty thereon equal to the amount thereof, and, in addition, shall be punished by a fine of not more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a term of not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court.

(6) It shall be unlawful for any person to consume alcoholic beverages on the premises of any hotel restaurant, restaurant, club or the interior of any public place defined in Chapter 1, Title 67, Mississippi Code of 1972, when the owner or manager thereof displays in several conspicuous places inside the establishment and at the entrances of establishment a sign containing the following language: NO ALCOHOLIC BEVERAGES ALLOWED.

SECTION 5. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2474

Description: Health department; authorize certain charges for services with other agencies for operation of medical marijuana program.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(S) Referred To Appropriations
2	02/02	(S) Title Suff Do Pass
3	02/11	(S) Passed {Vote}
4	02/12	(S) Transmitted To House
5	02/24	(H) Referred To Appropriations
6	02/25	(H) Title Suff Do Pass As Amended
7	03/08	(H) Point of Order Raised
8	03/08	(H) Point of Order - Well Taken
9	03/08	(H) Amended
10	03/08	(H) Passed As Amended {Vote}
11	03/08	(H) Immediate Release
12	03/08	(H) Returned For Concurrence
13	03/18	(S) Decline to Concur/Invite Conf
14	03/22	(S) Conferees Named Hopson,Blackwell,Hill
15	03/22	(H) Conferees Named Read,Mims,Bounds
16	03/29	(S) Conference Report Filed
17	03/29	(H) Conference Report Filed
18	03/30	(H) Conference Report Adopted {Vote}
19	03/30	(S) Conference Report Adopted {Vote}
20	04/05	(S) Enrolled Bill Signed
21	04/05	(H) Enrolled Bill Signed
22	04/09	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2474

Conference Reports:
Conference Report

Code Section: A 027-0104-0203

----- Additional Information -----

Senate Committee: Appropriations
House Committee: Appropriations

Principal Author: Blackwell

Title: AN ACT TO AMEND SECTION 27-104-203, MISSISSIPPI CODE OF 1972, TO AUTHORIZE GRANTS, CONTRACTS, PASS-THROUGH FUNDS, PROJECT FEES OR CHARGES FOR SERVICES BETWEEN THE STATE DEPARTMENT OF HEALTH AND OTHER STATE AGENCIES OR ENTITIES FOR THE OPERATION OF THE STATE'S MEDICAL MARIJUANA PROGRAM; TO CLARIFY PROVISIONS NECESSARY FOR THE IMPLEMENTATION, OPERATION AND/OR ENFORCEMENT OF THE STATE'S MEDICAL MARIJUANA PROGRAM RELATING TO EXPENDITURES BY THE DEPARTMENT WITHOUT AN APPROPRIATION, ESCALATING PERSONNEL POSITIONS IN THE DEPARTMENT, AND EXEMPTION FROM INFORMATION TECHNOLOGY LAWS AND REGULATIONS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Blackwell To: Appropriations

SENATE BILL NO. 2474
(As Sent to Governor)

AN ACT TO AMEND SECTION 27-104-203, MISSISSIPPI CODE OF 1972, TO AUTHORIZE GRANTS, CONTRACTS, PASS-THROUGH FUNDS, PROJECT FEES OR CHARGES FOR SERVICES BETWEEN THE STATE DEPARTMENT OF HEALTH AND OTHER STATE AGENCIES OR ENTITIES FOR THE OPERATION OF THE STATE'S MEDICAL MARIJUANA PROGRAM; TO CLARIFY PROVISIONS NECESSARY FOR THE IMPLEMENTATION, OPERATION AND/OR ENFORCEMENT OF THE STATE'S MEDICAL MARIJUANA PROGRAM RELATING TO EXPENDITURES BY THE DEPARTMENT WITHOUT AN APPROPRIATION, ESCALATING PERSONNEL POSITIONS IN THE DEPARTMENT, AND EXEMPTION FROM INFORMATION TECHNOLOGY LAWS AND REGULATIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-104-203, Mississippi Code of 1972, is amended as follows:

27-104-203. (1) From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent, audit fee, personnel fee or other charge for services or resources received. The provisions of this section shall not apply (a) to grants, contracts, pass-through funds, project fees or other charges for services between state agencies and the Board of Trustees of State Institutions of Higher Learning, any public university, the Mississippi Community College Board, any public community or junior college, and the State Department of

Education, nor (b) to charges for services between the Board of Trustees of State Institutions of Higher Learning, any public university, the Mississippi Community College Board, any public community or junior college, and the State Department of Education, nor (c) to federal grants, pass-through funds, cost allocation charges, surplus property charges or project fees between state agencies as approved or determined by the State Fiscal Officer, nor (d) telecommunications, data center services, and/or other information technology services that are used on an as-needed basis and those costs shall be passed through to the using agency, nor (e) to federal grants, special funds, or pass-through funds, available for payment by state agencies to the Department of Finance and Administration related to Mississippi Management and Reporting Systems (MMRS) Statewide Application charges and utilities as approved or determined by the State Fiscal Officer, nor (f) to grants, contracts, pass-through funds, project fees or charges for services between the State Department of Health and other state agencies or entities, including, but not limited to, the Board of Trustees of State Institutions of Higher Learning, any public university, the Mississippi Community College Board, any public community or junior college, and the State Department of Education, for the operation of the state's medical marijuana program as established by Sections 288.1 through 288.10, Mississippi Constitution of 1890. The Board of Trustees of State Institutions of Higher Learning, any public university, the

Mississippi Community College Board, any public community or junior college, and the State Department of Education shall retain the authority to charge and be charged for expenditures that they deemed nonrecurring in nature by the State Fiscal Officer.

(2) If at any time after the effective date of this act the Mississippi Supreme Court issues a final opinion that strikes down or otherwise holds invalid in its entirety Initiative 65, which establishes a medical marijuana program in the State of Mississippi, then paragraph (f) of subsection (1) of this section shall stand repealed on the date that the opinion is issued by the Supreme Court.

SECTION 2. (1) The following provisions shall be applicable to the implementation, operation and/or enforcement of the state's medical marijuana program ("the program") as established under Sections 288.1 through 288.10, Mississippi Constitution of 1890, by the State Department of Health:

(a) The State Fiscal Officer, upon receipt of requisitions from the State Department of Health for the expenditure of funds from the special fund in the State Treasury established under Section 288.6, Mississippi Constitution of 1890, for the purpose of implementing, administering and/or enforcing the provisions of the program, shall issue warrants for those expenditures by the department without an appropriation of those funds or other authorization for expenditure of those funds by the Legislature.

(b) The State Fiscal Officer, upon request from the State Department of Health to escalate personnel positions in the department for the purpose of implementing, administering and/or enforcing the provisions of the program, shall authorize the escalation of those personnel positions as nonstate service positions in the department to be funded with monies from the special fund in the State Treasury established under Section 288.6, Mississippi Constitution of 1890.

(c) The State Department of Health, when making acquisitions of information technology equipment and services for the purpose of implementing, administering and/or enforcing the provisions of the program, shall be exempt from all Mississippi Department of Information Technology Services laws, rules and regulations and shall be exempt from any statutory or regulatory requirements that such acquisitions be based upon competitive bidding procedures with advertising for and receiving bids to make the acquisitions. This paragraph (c) shall stand repealed on July 1, 2024.

(2) If at any time after the effective date of this act the Mississippi Supreme Court issues a final opinion that strikes down or otherwise holds invalid in its entirety Initiative 65, which establishes a medical marijuana program in the State of Mississippi, then this section shall stand repealed on the date that the opinion is issued by the Supreme Court.

SECTION 3. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

Senate Bill 2569

Description: Urine; create the crime of selling or tampering with urine.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S)	Referred To Judiciary, Division B
2	01/27	(S)	Title Suff Do Pass
3	02/03	(S)	Amended
4	02/03	(S)	Passed As Amended {Vote}
5	02/05	(S)	Transmitted To House
6	02/24	(H)	Referred To Judiciary B
7	03/02	(H)	Title Suff Do Pass
8	03/09	(H)	Amended
9	03/09	(H)	Passed As Amended {Vote}
10	03/10	(H)	Returned For Concurrence
11	03/15	(S)	Decline to Concur/Invite Conf
12	03/18	(S)	Conferees Named Fillingane,McCaughn,Simmons (12th)
13	03/22	(H)	Conferees Named Bain,Ford (73rd),Yates
14	03/27	(S)	Conference Report Filed
15	03/27	(H)	Conference Report Filed
16	03/28	(H)	Conference Report Adopted {Vote}
17	03/28	(S)	Conference Report Adopted {Vote}
18	04/01	(S)	Enrolled Bill Signed
19	04/01	(H)	Enrolled Bill Signed
20	04/09		Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2569

Conference Reports:
Conference Report

----- Additional Information -----

Senate Committee: Judiciary, Division B
House Committee: Judiciary B

Principal Author: Harkins

Title: AN ACT TO CREATE THE CRIME OF SELLING, TRANSFERRING, MARKETING OR GIVING AWAY URINE FOR THE PURPOSE OF ADULTERATING A HUMAN URINE SAMPLE FOR A CHEMICAL TEST; TO PROVIDE PENALTIES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Harkins To: Judiciary, Division B

SENATE BILL NO. 2569
(As Sent to Governor)

AN ACT TO CREATE THE CRIME OF SELLING, TRANSFERRING, MARKETING OR GIVING AWAY URINE FOR THE PURPOSE OF ADULTERATING A HUMAN URINE SAMPLE FOR A CHEMICAL TEST; TO PROVIDE PENALTIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) As used in this section, "adulterant" means a substance that is not expected to be in human urine or another human bodily fluid or a substance expected to be present in human urine or another human bodily fluid but that is at a concentration so high that it is not consistent with human urine or another human bodily fluid, including, without limitation:

(a) Bleach;

(b) Chromium;

(c) Creatinine;

(d) Detergent;

(e) Glutaraldehyde;

(f) Glutaraldehyde/squalene;

(g) Hydrochloric acid;

(h) Hydroiodic acid;

(i) Iodine;

(j) Nitrite;

(k) Peroxidase;

(l) Potassium dichromate;

(m) Potassium nitrite;

(n) Pyridinium chlorochromate; and

(o) Sodium nitrite.

(2) It is unlawful for a person to:

(a) Sell, give away, distribute, manufacture or market human or synthetic urine in this state or transport human or synthetic urine into this state with the intent of using the human or synthetic urine to defraud or cause deceitful results in a drug or alcohol screening test;

(b) Attempt to defeat or interfere with the results of a drug or alcohol screening test by substituting synthetic urine or substituting or spiking a human urine sample or by advertising urine sample substitution or human urine spiking devices or measures;

(c) Possess adulterants with intent to use such a substance to adulterate a human urine sample or other human bodily fluid sample with intent to defraud or cause deceitful results in a drug or alcohol screening test; or

(d) Sell or market an adulterant with the intent by the seller or marketer that the product be used to adulterate a human urine sample or other human bodily fluid sample for the purpose of

defrauding or causing deceitful results in a drug or alcohol screening test.

(3) There shall be a rebuttable presumption of intent to defraud or obtain deceitful results in a drug or alcohol screening test if:

(a) A heating element or any other device used to thwart a drug screening test accompanies the sale, giving, distribution, manufacture or marketing of human or synthetic urine; or

(b) Instructions that provide a method for thwarting a drug screening test accompany the sale, giving, distribution, manufacture or marketing of human or synthetic urine.

(4) (a) Upon a first conviction, a person who violates this section is guilty of a misdemeanor and shall be subject to a fine of One Thousand Dollars ($1,000.00), imprisonment in the county jail not to exceed six (6) months, or both.

(b) Upon a second conviction, a person who violates this section is guilty of a misdemeanor and shall be subject to a fine of Two Thousand Dollars ($2,000.00), imprisonment in the county jail not to exceed one (1) year, or both.

(c) Upon a third or subsequent conviction, a person who violates this section is guilty of a felony and shall be subject to a fine not to exceed Five Thousand Dollars ($5,000.00), imprisonment in the custody of the Department of Corrections not to exceed three (3) years, or both.

(5) Nothing in this act shall be construed to encourage, conflict, or otherwise interfere with the preemption of state and local laws under federal laws or United States Department of Transportation regulations related to drug testing procedures and confidentiality.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2598

Description: Department of Public Safety; revise licensing.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(S) Referred To Judiciary, Division B
2	01/27	(S) Title Suff Do Pass Comm Sub
3	02/10	(S) Committee Substitute Adopted
4	02/10	(S) Amended
5	02/10	(S) Passed As Amended {Vote}
6	02/16	(S) Transmitted To House
7	02/24	(H) Referred To Transportation
8	03/02	(H) Title Suff Do Pass As Amended
9	03/09	(H) Amended
10	03/09	(H) Passed As Amended {Vote}
11	03/09	(H) Motion to Reconsider Entered (Busby, Massengill)
12	03/11	(H) Motion to Reconsider Tabled
13	03/11	(H) Returned For Concurrence
14	03/15	(S) Decline to Concur/Invite Conf
15	03/18	(S) Conferees Named Fillingane,Branning,Thompson
16	03/24	(H) Conferees Named Busby,Massengill,Yates
17	03/28	(S) Conference Report Filed
18	03/28	(H) Conference Report Filed
19	03/29	(S) Conference Report Adopted {Vote}
20	03/29	(H) Conference Report Adopted {Vote}
21	04/01	(S) Enrolled Bill Signed
22	04/01	(H) Enrolled Bill Signed
23	04/16	Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[S] Amendment No 2 (Cmte Sub)***Adopted*** Voice Vote

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2598
Conference Reports:
| Conference Report

Code Section: A 045-0009-0101, A 063-0001-0009, A 063-0001-0021, A 063-0011-0025, A 045-0033-0043, A 063-0001-0005, A 063-0001-0006, A 063-0001-0010.1, A 063-0001-0023, A 063-0001-0033, A 063-0001-0035, A 063-0001-0037, A 063-0001-0043, A 063-0001-0047

----- Additional Information -----

Senate Committee: Judiciary, Division B
House Committee: Transportation

Principal Author: Branning

Title: AN ACT TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY TO WAIVE THE RESIDENCY REQUIREMENT FOR A CONCEALED-CARRY LICENSE FOR A MEMBER OF AN ACTIVE OR RESERVE COMPONENT BRANCH OF THE UNITED STATES OF AMERICA ARMED FORCES STATIONED IN MISSISSIPPI, OR THE SPOUSE OF THE SAME; TO AMEND SECTIONS 63-1-9 AND 63-1-21, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 550, 2021 REGULAR SESSION, TO REMOVE THE INTERMEDIATE LICENSE; TO REVISE THE DEPARTMENT OF PUBLIC SAFETY'S AUTHORITY TO ISSUE DRIVER'S LICENSES AND LEARNER'S PERMITS; TO REQUIRE A LICENSEE UNDER A CERTAIN AGE TO BE SUPERVISED WHILE DRIVING FOR THE FIRST 6 MONTHS OF POSSESSION OF A DRIVER'S LICENSE; TO AMEND SECTION 63-11-25, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A PETITION APPEALING THE FORFEITURE, SUSPENSION OR DENIAL OF ISSUANCE OF A LICENSE SHALL BE SERVED ON THE ATTORNEY GENERAL AND THE COMMISSIONER OF PUBLIC SAFETY; TO CREATE A NEW SECTION OF LAW TO REQUIRE THE COMMISSIONER OF PUBLIC SAFETY TO ESTABLISH AN ALTERNATIVE STATE IDENTIFICATION CARD THAT DOES NOT REQUIRE PROOF OF DOMICILE, FOR THE PURPOSE OF MAKING A STATE IDENTIFICATION CARD AVAILABLE FOR PERSONS WHO DO NOT HAVE A DOMICILE TO LIST; TO CREATE A SPECIAL FUND IN THE STATE TREASURY INTO WHICH SHALL BE DEPOSITED ANY FEDERAL MONIES THAT ARE MADE AVAILABLE FOR THE ESTABLISHMENT OF ELECTRIC VEHICLE INFRASTRUCTURE IN THE STATE; TO AMEND SECTIONS 45-33-43, 63-1-5, 63-1-10.1, 63-1-23, 63-1-35, 63-1-43 AND 63-1-47, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 550, 2021 REGULAR SESSION, TO CONFORM; TO AMEND SECTIONS 63-1-6, 63-1-33 AND 63-1-37, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Branning To: Judiciary, Division B

SENATE BILL NO. 2598
(As Sent to Governor)

AN ACT TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE DEPARTMENT OF PUBLIC SAFETY TO WAIVE THE RESIDENCY REQUIREMENT FOR A CONCEALED-CARRY LICENSE FOR A MEMBER OF AN ACTIVE OR RESERVE COMPONENT BRANCH OF THE UNITED STATES OF AMERICA ARMED FORCES STATIONED IN MISSISSIPPI, OR THE SPOUSE OF THE SAME; TO AMEND SECTIONS 63-1-9 AND 63-1-21, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 550, 2021 REGULAR SESSION, TO REMOVE THE INTERMEDIATE LICENSE; TO REVISE THE DEPARTMENT OF PUBLIC SAFETY'S AUTHORITY TO ISSUE DRIVER'S LICENSES AND LEARNER'S PERMITS; TO REQUIRE A LICENSEE UNDER A CERTAIN AGE TO BE SUPERVISED WHILE DRIVING FOR THE FIRST 6 MONTHS OF POSSESSION OF A DRIVER'S LICENSE; TO AMEND SECTION 63-11-25, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A PETITION APPEALING THE FORFEITURE, SUSPENSION OR DENIAL OF ISSUANCE OF A LICENSE SHALL BE SERVED ON THE ATTORNEY GENERAL AND THE COMMISSIONER OF PUBLIC SAFETY; TO CREATE A NEW SECTION OF LAW TO REQUIRE THE COMMISSIONER OF PUBLIC SAFETY TO ESTABLISH AN ALTERNATIVE STATE IDENTIFICATION CARD THAT DOES NOT REQUIRE PROOF OF DOMICILE, FOR THE PURPOSE OF MAKING A STATE IDENTIFICATION CARD AVAILABLE FOR PERSONS WHO DO NOT HAVE A DOMICILE TO LIST; TO CREATE A SPECIAL FUND IN THE STATE TREASURY INTO WHICH SHALL BE DEPOSITED ANY FEDERAL MONIES THAT ARE MADE AVAILABLE FOR THE ESTABLISHMENT OF ELECTRIC VEHICLE INFRASTRUCTURE IN THE STATE; TO AMEND SECTIONS 45-33-43, 63-1-5, 63-1-10.1, 63-1-23, 63-1-35, 63-1-43 AND 63-1-47, MISSISSIPPI CODE OF 1972, AS AMENDED BY HOUSE BILL NO. 550, 2021 REGULAR SESSION, TO CONFORM; TO AMEND SECTIONS 63-1-6, 63-1-33 AND 63-1-37, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 45-9-101, Mississippi Code of 1972, as amended by House Bill No. 277, 2021 Regular Session, House Bill

No. 886, 2021 Regular Session, and Senate Bill No. 2253, 2021 Regular Session, is amended as follows:

45-9-101. (1) (a) Except as otherwise provided, the Department of Public Safety is authorized to issue licenses to carry stun guns, concealed pistols or revolvers to persons qualified as provided in this section. Such licenses shall be valid throughout the state for a period of five (5) years from the date of issuance, except as provided in subsection (25) of this section. Any person possessing a valid license issued pursuant to this section may carry a stun gun, concealed pistol or concealed revolver.

(b) The licensee must carry the license, together with valid identification, at all times in which the licensee is carrying a stun gun, concealed pistol or revolver and must display both the license and proper identification upon demand by a law enforcement officer. A violation of the provisions of this paragraph (b) shall constitute a noncriminal violation with a penalty of Twenty-five Dollars ($25.00) and shall be enforceable by summons.

(2) The Department of Public Safety shall issue a license if the applicant:

(a) Is a resident of the state. However, this residency requirement may be waived if the applicant possesses a valid permit from another state, is * * * a member of any active or reserve component branch of the United States of America Armed

Forces stationed in Mississippi, is the spouse of a member of any active or reserve component branch of the United States of America Armed Forces stationed in Mississippi, or is a retired law enforcement officer establishing residency in the state;

(b) (i) Is twenty-one (21) years of age or older; or

(ii) Is at least eighteen (18) years of age but not yet twenty-one (21) years of age and the applicant:

1. Is a member or veteran of the United States Armed Forces, including National Guard or Reserve; and

2. Holds a valid Mississippi driver's license or identification card issued by the Department of Public Safety or a valid and current tribal identification card issued by a federally recognized Indian tribe containing a photograph of the holder;

(c) Does not suffer from a physical infirmity which prevents the safe handling of a stun gun, pistol or revolver;

(d) Is not ineligible to possess a firearm by virtue of having been convicted of a felony in a court of this state, of any other state, or of the United States without having been pardoned or without having been expunged for same;

(e) Does not chronically or habitually abuse controlled substances to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses controlled substances to the extent that his faculties are impaired if the applicant has been voluntarily or involuntarily

committed to a treatment facility for the abuse of a controlled substance or been found guilty of a crime under the provisions of the Uniform Controlled Substances Law or similar laws of any other state or the United States relating to controlled substances within a three-year period immediately preceding the date on which the application is submitted;

(f) Does not chronically and habitually use alcoholic beverages to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages to the extent that his normal faculties are impaired if the applicant has been voluntarily or involuntarily committed as an alcoholic to a treatment facility or has been convicted of two (2) or more offenses related to the use of alcohol under the laws of this state or similar laws of any other state or the United States within the three-year period immediately preceding the date on which the application is submitted;

(g) Desires a legal means to carry a stun gun, concealed pistol or revolver to defend himself;

(h) Has not been adjudicated mentally incompetent, or has waited five (5) years from the date of his restoration to capacity by court order;

(i) Has not been voluntarily or involuntarily committed to a mental institution or mental health treatment facility unless he possesses a certificate from a psychiatrist licensed in this

state that he has not suffered from disability for a period of five (5) years;

(j) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony unless three (3) years have elapsed since probation or any other conditions set by the court have been fulfilled;

(k) Is not a fugitive from justice; and

(l) Is not disqualified to possess a weapon based on federal law.

(3) The Department of Public Safety may deny a license if the applicant has been found guilty of one or more crimes of violence constituting a misdemeanor unless three (3) years have elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred prior to the date on which the application is submitted, or may revoke a license if the licensee has been found guilty of one or more crimes of violence within the preceding three (3) years. The department shall, upon notification by a law enforcement agency or a court and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime which would disqualify such person from having a license under this section, until final disposition of the case. The provisions of subsection (7) of this section shall apply to any suspension or revocation of a license pursuant to the provisions of this section.

(4) The application shall be completed, under oath, on a form promulgated by the Department of Public Safety and shall include only:

(a) The name, address, place and date of birth, race, sex and occupation of the applicant;

(b) The driver's license number or social security number of applicant;

(c) Any previous address of the applicant for the two (2) years preceding the date of the application;

(d) A statement that the applicant is in compliance with criteria contained within subsections (2) and (3) of this section;

(e) A statement that the applicant has been furnished a copy of this section and is knowledgeable of its provisions;

(f) A conspicuous warning that the application is executed under oath and that a knowingly false answer to any question, or the knowing submission of any false document by the applicant, subjects the applicant to criminal prosecution; and

(g) A statement that the applicant desires a legal means to carry a stun gun, concealed pistol or revolver to defend himself.

(5) The applicant shall submit only the following to the Department of Public Safety:

(a) A completed application as described in subsection (4) of this section;

(b) A full-face photograph of the applicant taken within the preceding thirty (30) days in which the head, including hair, in a size as determined by the Department of Public Safety, except that an applicant who is younger than twenty-one (21) years of age must submit a photograph in profile of the applicant;

(c) A nonrefundable license fee of Eighty Dollars ($80.00). Costs for processing the set of fingerprints as required in paragraph (d) of this subsection shall be borne by the applicant. Honorably retired law enforcement officers, disabled veterans and active duty members of the Armed Forces of the United States, and law enforcement officers employed with a law enforcement agency of a municipality, county or state at the time of application for the license, shall be exempt from the payment of the license fee;

(d) A full set of fingerprints of the applicant administered by the Department of Public Safety; and

(e) A waiver authorizing the Department of Public Safety access to any records concerning commitments of the applicant to any of the treatment facilities or institutions referred to in subsection (2) of this section and permitting access to all the applicant's criminal records.

(6) (a) The Department of Public Safety, upon receipt of the items listed in subsection (5) of this section, shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing.

(b) The Department of Public Safety shall forward a copy of the applicant's application to the sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence. The sheriff of the applicant's county of residence, and, if applicable, the police chief of the applicant's municipality of residence may, at his discretion, participate in the process by submitting a voluntary report to the Department of Public Safety containing any readily discoverable prior information that he feels may be pertinent to the licensing of any applicant. The reporting shall be made within thirty (30) days after the date he receives the copy of the application. Upon receipt of a response from a sheriff or police chief, such sheriff or police chief shall be reimbursed at a rate set by the department.

(c) The Department of Public Safety shall, within forty-five (45) days after the date of receipt of the items listed in subsection (5) of this section:

(i) Issue the license;

(ii) Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in subsections (2) and (3) of this section. If the Department of Public Safety denies the application, it shall notify the applicant in writing, stating the ground for denial, and the denial shall be subject to the appeal process set forth in subsection (7); or

(iii) Notify the applicant that the department is unable to make a determination regarding the issuance or denial of a license within the forty-five-day period prescribed by this subsection, and provide an estimate of the amount of time the department will need to make the determination.

(d) In the event a legible set of fingerprints, as determined by the Department of Public Safety and the Federal Bureau of Investigation, cannot be obtained after a minimum of two (2) attempts, the Department of Public Safety shall determine eligibility based upon a name check by the Mississippi Highway Safety Patrol and a Federal Bureau of Investigation name check conducted by the Mississippi Highway Safety Patrol at the request of the Department of Public Safety.

(7) (a) If the Department of Public Safety denies the issuance of a license, or suspends or revokes a license, the party aggrieved may appeal such denial, suspension or revocation to the Commissioner of Public Safety, or his authorized agent, within thirty (30) days after the aggrieved party receives written notice of such denial, suspension or revocation. The Commissioner of Public Safety, or his duly authorized agent, shall rule upon such appeal within thirty (30) days after the appeal is filed and failure to rule within this thirty-day period shall constitute sustaining such denial, suspension or revocation. Such review shall be conducted pursuant to such reasonable rules and regulations as the Commissioner of Public Safety may adopt.

(b) If the revocation, suspension or denial of issuance is sustained by the Commissioner of Public Safety, or his duly authorized agent pursuant to paragraph (a) of this subsection, the aggrieved party may file within ten (10) days after the rendition of such decision a petition in the circuit or county court of his residence for review of such decision. A hearing for review shall be held and shall proceed before the court without a jury upon the record made at the hearing before the Commissioner of Public Safety or his duly authorized agent. No such party shall be allowed to carry a stun gun, concealed pistol or revolver pursuant to the provisions of this section while any such appeal is pending.

(8) The Department of Public Safety shall maintain an automated listing of license holders and such information shall be available online, upon request, at all times, to all law enforcement agencies through the Mississippi Crime Information Center. However, the records of the department relating to applications for licenses to carry stun guns, concealed pistols or revolvers and records relating to license holders shall be exempt from the provisions of the Mississippi Public Records Act of 1983, and shall be released only upon order of a court having proper jurisdiction over a petition for release of the record or records.

(9) Within thirty (30) days after the changing of a permanent address, or within thirty (30) days after having a license lost or destroyed, the licensee shall notify the

Department of Public Safety in writing of such change or loss. Failure to notify the Department of Public Safety pursuant to the provisions of this subsection shall constitute a noncriminal violation with a penalty of Twenty-five Dollars ($25.00) and shall be enforceable by a summons.

(10) In the event that a stun gun, concealed pistol or revolver license is lost or destroyed, the person to whom the license was issued shall comply with the provisions of subsection (9) of this section and may obtain a duplicate, or substitute thereof, upon payment of Fifteen Dollars ($15.00) to the Department of Public Safety, and furnishing a notarized statement to the department that such license has been lost or destroyed.

(11) A license issued under this section shall be revoked if the licensee becomes ineligible under the criteria set forth in subsection (2) of this section.

(12) (a) Except as provided in subsection (25) of this section, no less than ninety (90) days prior to the expiration date of the license, the Department of Public Safety shall mail to each licensee a written notice of the expiration and a renewal form prescribed by the department. The licensee must renew his license on or before the expiration date by filing with the department the renewal form, a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in subsections (2) and (3) of this section, and a full set of fingerprints administered by the Department of Public Safety or

the sheriff of the county of residence of the licensee. The first renewal may be processed by mail and the subsequent renewal must be made in person. Thereafter every other renewal may be processed by mail to assure that the applicant must appear in person every ten (10) years for the purpose of obtaining a new photograph.

(i) Except as provided in this subsection, a renewal fee of Forty Dollars ($40.00) shall also be submitted along with costs for processing the fingerprints;

(ii) Honorably retired law enforcement officers, disabled veterans, active duty members of the Armed Forces of the United States and law enforcement officers employed with a law enforcement agency of a municipality, county or state at the time of renewal, shall be exempt from the renewal fee; and

(iii) The renewal fee for a Mississippi resident aged sixty-five (65) years of age or older shall be Twenty Dollars ($20.00).

(b) The Department of Public Safety shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing. The license shall be renewed upon receipt of the completed renewal application and appropriate payment of fees.

(c) A licensee who fails to file a renewal application on or before its expiration date must renew his license by paying a late fee of Fifteen Dollars ($15.00). No license shall be

renewed six (6) months or more after its expiration date, and such license shall be deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure; however, an application for licensure and fees pursuant to subsection (5) of this section must be submitted, and a background investigation shall be conducted pursuant to the provisions of this section.

(13) No license issued pursuant to this section shall authorize any person, except a law enforcement officer as defined in Section 45-6-3 with a distinct license authorized by the Department of Public Safety, to carry a stun gun, concealed pistol or revolver into any place of nuisance as defined in Section 95-3-1, Mississippi Code of 1972; any police, sheriff or highway patrol station; any detention facility, prison or jail; any courthouse; any courtroom, except that nothing in this section shall preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his courtroom; any polling place; any meeting place of the governing body of any governmental entity; any meeting of the Legislature or a committee thereof; any school, college or professional athletic event not related to firearms; any portion of an establishment, licensed to dispense alcoholic beverages for consumption on the premises, that is primarily devoted to dispensing alcoholic beverages; any portion of an establishment in which beer, light spirit product or light wine is consumed on the premises, that is primarily devoted

to such purpose; any elementary or secondary school facility; any junior college, community college, college or university facility unless for the purpose of participating in any authorized firearms-related activity; inside the passenger terminal of any airport, except that no person shall be prohibited from carrying any legal firearm into the terminal if the firearm is encased for shipment, for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; any church or other place of worship, except as provided in Section 45-9-171; or any place where the carrying of firearms is prohibited by federal law. In addition to the places enumerated in this subsection, the carrying of a stun gun, concealed pistol or revolver may be disallowed in any place in the discretion of the person or entity exercising control over the physical location of such place by the placing of a written notice clearly readable at a distance of not less than ten (10) feet that the "carrying of a pistol or revolver is prohibited." No license issued pursuant to this section shall authorize the participants in a parade or demonstration for which a permit is required to carry a stun gun, concealed pistol or revolver.

(14) A law enforcement officer as defined in Section 45-6-3, chiefs of police, sheriffs and persons licensed as professional bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of 1972, shall be exempt from the licensing requirements of this section.

(a) The Commissioner of Public Safety shall promulgate rules and regulations to provide licenses to law enforcement officers as defined in Section 45-6-3 who choose to obtain a license under the provisions of this section, which shall include a distinction that the officer is an "active duty" law enforcement officer and an endorsement that such officer is authorized to carry in the locations listed in subsection (13). A law enforcement officer shall provide the following information to receive the license described in this subsection: (i) a letter, with the official letterhead of the agency or department for which the officer is employed at the time of application and (ii) a letter with the official letterhead of the agency or department, which explains that such officer has completed a certified law enforcement training academy.

(b) The licensing requirements of this section do not apply to the carrying by any person of a stun gun, pistol or revolver, knife, or other deadly weapon that is not concealed as defined in Section 97-37-1.

(15) Any person who knowingly submits a false answer to any question on an application for a license issued pursuant to this section, or who knowingly submits a false document when applying for a license issued pursuant to this section, shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided in Section 99-19-31, Mississippi Code of 1972.

(16) All fees collected by the Department of Public Safety pursuant to this section shall be deposited into a special fund hereby created in the State Treasury and shall be used for implementation and administration of this section. After the close of each fiscal year, the balance in this fund shall be certified to the Legislature and then may be used by the Department of Public Safety as directed by the Legislature.

(17) All funds received by a sheriff or police chief pursuant to the provisions of this section shall be deposited into the general fund of the county or municipality, as appropriate, and shall be budgeted to the sheriff's office or police department as appropriate.

(18) Nothing in this section shall be construed to require or allow the registration, documentation or providing of serial numbers with regard to any stun gun or firearm.

(19) Any person holding a valid unrevoked and unexpired license to carry stun guns, concealed pistols or revolvers issued in another state shall have such license recognized by this state to carry stun guns, concealed pistols or revolvers. The Department of Public Safety is authorized to enter into a reciprocal agreement with another state if that state requires a written agreement in order to recognize licenses to carry stun guns, concealed pistols or revolvers issued by this state.

(20) The provisions of this section shall be under the supervision of the Commissioner of Public Safety. The

commissioner is authorized to promulgate reasonable rules and regulations to carry out the provisions of this section.

(21) For the purposes of this section, the term "stun gun" means a portable device or weapon from which an electric current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to incapacitate temporarily, injure, momentarily stun, knock out, cause mental disorientation or paralyze.

(22) (a) From and after January 1, 2016, the Commissioner of Public Safety shall promulgate rules and regulations which provide that licenses authorized by this section for honorably retired law enforcement officers and honorably retired correctional officers from the Mississippi Department of Corrections shall (i) include the words "retired law enforcement officer" on the front of the license, and (ii) unless the licensee chooses to have this license combined with a driver's license or identification card under subsection (25) of this section, that the license itself have a red background to distinguish it from other licenses issued under this section.

(b) An honorably retired law enforcement officer and honorably retired correctional officer shall provide the following information to receive the license described in this section: (i) a letter, with the official letterhead of the agency or department from which such officer is retiring, which explains that such officer is honorably retired, and (ii) a letter with the official

letterhead of the agency or department, which explains that such officer has completed a certified law enforcement training academy.

(23) A disabled veteran who seeks to qualify for an exemption under this section shall be required to provide a veterans health services identification card issued by the United States Department of Veterans Affairs indicating a service-connected disability, which shall be sufficient proof of such service-connected disability.

(24) A license under this section is not required for a loaded or unloaded pistol or revolver to be carried upon the person in a sheath, belt holster or shoulder holster or in a purse, handbag, satchel, other similar bag or briefcase or fully enclosed case if the person is not engaged in criminal activity other than a misdemeanor traffic offense, is not otherwise prohibited from possessing a pistol or revolver under state or federal law, and is not in a location prohibited under subsection (13) of this section.

(25) An applicant for a license under this section shall have the option of, instead of being issued a separate card for the license, having the license appear as a notation on the individual's driver's license or identification card. If the applicant chooses this option, the license issued under this section shall have the same expiration date as the driver's license or identification card, and renewal shall take place at

the same time and place as renewal of the driver's license or identification card. The Commissioner of Public Safety shall have the authority to promulgate rules and regulations which may be necessary to ensure the effectiveness of the concurrent application and renewal processes.

SECTION 2. Section 63-1-9, Mississippi Code of 1972, as amended by House Bill No. 550, 2021 Regular Session, is amended as follows:

63-1-9. (1) No driver's license * * * or * * * learner's permit shall be issued pursuant to this article:

(a) To any person under the age of eighteen (18) years except as provided in this article.

(b) To any person whose license to operate a motor vehicle on the highways of Mississippi has been previously revoked or suspended by this state or any other state or territory of the United States or the District of Columbia, if the revocation or suspension period has not expired.

(c) To any person who is an habitual drunkard or who is addicted to the use of other narcotic drugs.

(d) To any person who would not be able by reason of physical or mental disability to operate a motor vehicle on the highways with safety. However, persons who have one (1) arm or leg, or have arms or legs deformed, and are driving a car provided with mechanical devices whereby the person is able to drive in a safe manner over the highways, if otherwise qualified, shall

receive an operator's license the same as other persons. Moreover, deafness shall not be a bar to obtaining a license.

(e) To any person as an operator who has previously been adjudged to be afflicted with and suffering from any mental disability and who has not at time of application been restored to mental competency.

(f) To any unmarried person under the age of eighteen (18) years who does not at the time of application present a diploma or other certificate of high school graduation or a general educational development certificate issued to the person in this state or any other state; or on whose behalf documentation has not been received by the Department of Public Safety from that person or a school official verifying that the person:

(i) Is enrolled and making satisfactory progress in a course leading to a general educational development certificate;

(ii) Is enrolled in school in this state or any other state;

(iii) Is enrolled in a "nonpublic school," as such term is defined in Section 37-13-91(2)(i); or

(iv) Is unable to attend any school program due to circumstances deemed acceptable as set out in Section 63-1-10.

(g) To any person under the age of eighteen (18) years who has been convicted under Section 63-11-30.

(2) All permits and licenses issued on or before July 31, 2009, shall be valid according to the terms upon which issued. From and after August 1, 2009:

(a) A * * * learner's permit may be issued to any person who is at least fifteen (15) years of age who otherwise meets the requirements of this article.

* * *

(* * *b) A driver's license may be issued to any person who is at least * * * sixteen (16) years of age who otherwise meets the requirements of this article and who has held * * * a learner's permit for at least one (1) year without any conviction under Section 63-11-30 or of a moving violation. Any conviction under Section 63-11-30 or of a moving violation shall restart the * * * one-year requirement for the holding of * * * a learner's permit before an applicant can qualify for a driver's license. * * * An applicant for a driver's license who was unable to make timely application in 2020 for * * * a learner's permit, due to the closure of driver's license offices owing to the Coronavirus Disease 2019 (COVID-19), shall have the period in which he or she was eligible but unable to apply credited toward the * * * one-year requirement for the holding of * * * a learner's permit.

(* * *c) An applicant for a Mississippi driver's license who, at the time of application, is at least * * * sixteen (16) years of age and who has held a valid motor vehicle driver's

license issued by another state for at least six (6) months shall not be required to hold a * * * learner's permit * * * before being issued a driver's license.

(3) The commissioner shall ensure that the * * * learner's permit * * * and driver's license issued under this article are clear, distinct and easily distinguishable from one another.

SECTION 3. Section 63-1-21, Mississippi Code of 1972, as amended by House Bill No. 550, 2021 Regular Session, is amended as follows:

63-1-21. (1) To obtain a new or original Class R * * * or Class D * * * license, every applicant other than a person holding a valid out-of-state license shall first obtain a * * * learner's permit, successfully complete the examination provided for in Section 63-1-33, and pay the * * * learner's permit fee and examination fee prescribed in Section 63-1-43.

(2) A * * * learner's permit entitles the holder, if the permit is in his immediate possession, to drive a motor vehicle other than a motorcycle on the highways of the State of Mississippi only when accompanied by a licensed operator who is at least twenty-one (21) years of age and who is actually occupying the seat beside the driver. A * * * learner's permit may be issued to any applicant who is at least fifteen (15) years of age and shall be valid for a period of two (2) years from the date of issue.

(3) * * * A regular license holder under the age of eighteen (18) shall be allowed unsupervised driving from 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:30 p.m. Friday and Saturday, and * * * shall be allowed unsupervised driving any time for a person traveling directly to or from work or other educational or extracurricular activity. At all other times * * * for the first six (6) months as a regular license holder, the regular license holder under the age of eighteen (18) must be supervised by a parent, guardian or other person aged twenty-one (21) years or older who holds a valid driver's license under this article and who is actually occupying the seat beside the driver.

* * *

SECTION 4. Section 63-11-25, Mississippi Code of 1972, is amended as follows:

63-11-25. If the forfeiture, suspension or denial of issuance is sustained by the Commissioner of Public Safety, or his duly authorized agent pursuant to subsection (1) of Section 63-11-23, upon such hearing, the person aggrieved may file within ten (10) days after the rendition of such decision a petition in the circuit or county court having original jurisdiction of the violation for review of such decision and such hearing upon review shall proceed as a trial de novo before the court without a jury. The petition shall be served upon the Attorney General and the Commissioner of Public Safety. Provided further, that no such

party shall be allowed to exercise the driving privilege while any such appeal is pending.

SECTION 5. Subject to available appropriations, the Commissioner of Public Safety shall establish an alternative state identification card that does not conflict with the requirements of the federal Real ID Act of 2005, except that this card shall not require proof of domicile for persons who do not have a domicile to list.

SECTION 6. There is created in the State Treasury a special fund, to be known as the "Electric Vehicle Infrastructure Fund," into which shall be deposited any federal monies that are made available for the establishment of electric vehicle infrastructure in the state. Any interest earned on the special fund shall be credited to the special fund and shall not be paid into the State General Fund. Any monies remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund.

SECTION 7. Section 45-33-43, Mississippi Code of 1972, as amended by House Bill No. 550, 2021 Regular Session, is amended as follows:

45-33-43. At the time a person surrenders a driver's license from another jurisdiction or makes an application for a driver's license, temporary driving permit, * * * commercial driver's license or identification card issued under Section 45-35-3, the department shall provide the applicant with written information on the registration requirements of this chapter and shall require

written acknowledgment by the applicant of receipt of the notification.

SECTION 8. Section 63-1-5, Mississippi Code of 1972, as amended by House Bill No. 550, 2021 Regular Session, is amended as follows:

63-1-5. (1) (a) No person shall drive or operate a motor vehicle or an autocycle as defined in Section 63-3-103 upon the highways of the State of Mississippi without first securing an operator's license to drive on the highways of the state, unless specifically exempted by Section 63-1-7.

(b) The types of operator's licenses are:

(i) Class R;

(ii) Class D;

(iii) Class A, B or C commercial license governed by Article 5 of this chapter; and

* * *

(* * *iv) Interlock-restricted license as prescribed in Section 63-11-31.

(2) (a) Every person who makes application for an original license or a renewal license to operate any single vehicle with a gross weight rating of less than twenty-six thousand one (26,001) pounds or any vehicle towing a vehicle with a gross vehicle weight rating not in excess of ten thousand (10,000) pounds other than vehicles included in Class C, vehicles which require a special endorsement, or to operate a vehicle as a common carrier by motor

vehicle, taxicab, passenger coach, dray, contract carrier or private commercial carrier as defined in Section 27-19-3, other than those vehicles for which a Class A, B or C license is required under Article 5 of this chapter, may, in lieu of the Class R regular driver's license, apply for and obtain a Class D driver's license. The fee for the issuance of a Class D driver's license shall be as set forth in Section 63-1-43 and the Class D license shall be valid for the term prescribed in Section 63-1-47. Except as required under Article 5 of this chapter, no driver of a pickup truck shall be required to have a Class D or a commercial license regardless of the purpose for which the pickup truck is used.

(b) Persons operating vehicles listed in paragraph (a) of this subsection for private purposes or in emergencies need not obtain a Class D license.

(3) An interlock-restricted license allows a person to drive only a motor vehicle equipped with an iginition-interlock device.

(4) A person who violates this section is guilty of a misdemeanor and, upon conviction, may be punished by imprisonment for not less than two (2) days nor more than six (6) months, by a fine of not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00), or both.

SECTION 9. Section 63-1-6, Mississippi Code of 1972, is amended as follows:

63-1-6. (1) Unless exempted under Section 63-1-7 or Section 63-1-6.1, no person shall drive or operate a motorcycle, except for an autocycle as defined in Section 63-3-103, upon the highways of the State of Mississippi without first securing an operator's license with a motorcycle endorsement upon it.

(2) (a) A motorcycle endorsement may be issued to any person who holds a valid Mississippi driver's license and meets the other requirements for a motorcycle endorsement contained in this chapter.

(b) Every applicant for a motorcycle endorsement shall first obtain a temporary motorcycle permit, successfully complete the examination provided in Section 63-1-33, and pay the temporary motorcycle permit fee and examination fee prescribed in Section 63-1-43. Applicants for a temporary motorcycle permit shall:

(i) Be at least fifteen (15) years of age;

(ii) Operate a motorcycle only under the direct supervision of a person at least twenty-one (21) years of age who possesses either a valid driver's or operator's license with a motorcycle endorsement or a valid restricted motorcycle operator's license;

(iii) Be prohibited from transporting a passenger on a motorcycle;

(iv) Be prohibited from operating a motorcycle upon any controlled access highway; and

(v) Be prohibited from operating a motorcycle during the hours of 6:00 p.m. through 6:00 a.m.

Temporary motorcycle driving permits shall be valid for the same period of time and may be renewed upon the same conditions as * * * learner's permits issued under Section 63-1-21.

SECTION 10. Section 63-1-10.1, Mississippi Code of 1972, as amended by House Bill No. 550, 2021 Regular Session, is amended as follows:

63-1-10.1. A school superintendent or designee shall report to the Department of Education on a schedule determined by the State Board of Education when a student under eighteen (18) years of age who has been issued a driver's license * * * or temporary learning permit has been coded as a "dropout" as defined by the State Board of Education. The Department of Education will provide notification to the Department of Public Safety of those students under eighteen (18) years of age who have obtained a driver's license * * * or temporary learning permit and have been coded by the local school district as a "dropout" upon verification that prior written parental consent for the release of educational records has been obtained in compliance with the Family Educational Rights and Privacy Act of 1972, as amended, 20 USCS Section 1232.

SECTION 11. Section 63-1-23, Mississippi Code of 1972, as amended by House Bill No. 550, 2021 Regular Session, is amended as follows:

63-1-23. The application of any person under the age of seventeen (17) years for a temporary driving permit * * * or license issued pursuant to this article shall be signed and verified before a person authorized to administer oaths by both the father and mother of the applicant, if both are living and have custody of him, or in the event neither parent is living then by the person or guardian having such custody or by an employer of him, or in the event there is no guardian or employer then by any other responsible person who is willing to assume the obligation imposed under Section 63-1-25 upon a person signing the application of a minor.

SECTION 12. Section 63-1-33, Mississippi Code of 1972, is amended as follows:

63-1-33. (1) Except as otherwise provided under subsections (6) and (7) of this section, it shall be the duty of the license examiner, when application is made for an operator's license or * * * learner's permit, to test the applicant's ability to read and understand road signs and to give the required signals as adopted by the National Advisory Committee on Uniform Traffic Control Devices and the American Association of Motor Vehicle Administrators.

(2) Except as otherwise provided under subsections (6) and (7) of this section, the commissioner shall have prepared and administer a test composed of at least ten (10) questions relating to the safe operation of a motor vehicle and testing the

applicant's knowledge of the proper operation of a motor vehicle. Every examination shall ensure adequate knowledge on the part of the applicant as to school bus safety requirements.

(3) Prior to the administration of the test, the license examiner shall inspect the horn, lights, brakes, vehicle registration and proof of liability coverage of the motor vehicle which the applicant expects to operate while being tested, and if he finds that any of the aforementioned items are deficient, no license or endorsement shall be issued to the applicant until same have been repaired.

(4) An applicant for a Mississippi driver's license who, at the time of application, holds a valid motor vehicle driver's license issued by another state shall not be required to take a written test.

(5) Except as otherwise provided by Section 63-1-6, when application is made for an original motorcycle endorsement, the applicant shall be required to pass a written test which consists of questions relating to the safe operation of a motorcycle and a skill test similar to the "Motorcycle Operator Skill Test," which is endorsed by the American Association of Motor Vehicle Administrators. The commissioner may exempt any applicant from the skill test if the applicant presents a certificate showing successful completion of a course approved by the commissioner, which includes a similar examination of skills needed in the safe operation of a motorcycle.

(6) The Department of Public Safety shall accept the certification of successful completion of an individual's training in the knowledge and skills needed for the proper and safe operation of a motor vehicle from a driver education and training program at a secondary school that meets the standards of the State Board of Education, in lieu of the department administering the examination of the individual for the purpose of obtaining a driver's license. The school may employ teachers duly certified by the Department of Education to teach in such a program. In addition, off-duty members of the Mississippi Highway Safety Patrol shall be authorized to teach in such a program without having to obtain a teaching certificate from the Department of Education. Instructors will be considered employees of the school, not of the Driver License Examining Bureau. The commissioner and the State Board of Education shall jointly promulgate rules and regulations for the administration of this subsection.

(7) The commissioner shall develop an affidavit whereby a parent, teacher or guardian may certify that he or she has witnessed a student operate a motor vehicle for at least fifty (50) hours and attest to * * * the student's proficiency in the proper and safe operation of a motor vehicle and the Department of Public Safety shall accept such in lieu of a skills test conducted by the department.

SECTION 13. Section 63-1-35, Mississippi Code of 1972, as amended by House Bill No. 550, 2021 Regular Session, is amended as follows:

63-1-35. (1) The Commissioner of Public Safety shall prescribe the form of license issued pursuant to this article which shall, among other features, include a driver's license number assigned by the Department of Public Safety. A licensee shall list his social security number with the department which shall cross-reference the social security number with the driver's license number for purposes of identification. Additionally, each license shall bear a full-face color photograph of the licensee in such form that the license and the photograph cannot be separated. The photograph shall be taken so that one (1) exposure will photograph the applicant and the application simultaneously on the same film. The department shall use a process in the issuance of a license with a color photograph that shall prevent as nearly as possible any alteration, counterfeiting, duplication, reproduction, forging or modification of the license or the superimposition of a photograph without ready detection. The photograph shall be replaced by the department at the time of renewal. Drivers' licenses, including photographs appearing thereon, may be renewed by electronic means according to rules and regulations promulgated by the commissioner in conformity to Section 27-104-33.

(2) The commissioner shall prescribe the form of license issued pursuant to this article to licensees who are not United States citizens and who do not possess a social security number issued by the United States government. The license of such persons shall include a number and/or other identifying features.

(3) Any new, renewal or duplicate driver's license, temporary driving permit * * * or commercial driver's license issued to a person required to register as a sex offender pursuant to Section 45-33-25 shall bear a designation identifying the licensee or permittee as a sex offender.

(4) The commissioner is authorized to provide the new, renewal or duplicate driver's license, temporary driving permit * * * or commercial driver's license to any honorably discharged veteran as defined in Title 38 of the United States Code, and such license or permit shall exhibit the letters "Vet" or any other mark identifying the person as a veteran. The veteran requesting the "Vet" designation shall present his DD-214 or equivalent document that includes a notation from the State Veterans Affairs Board that the applicant is a veteran.

(5) Not later than July 1, 2021, the commissioner shall develop and implement a driver's license or driving permit in electronic format as an additional option for license or permit holders. Acceptable electronic formats include display of electronic images on a cellular phone or any other type of electronic device.

SECTION 14. Section 63-1-37, Mississippi Code of 1972, is amended as follows:

63-1-37. If a license or * * * learner's permit issued under the provisions of this article is lost or destroyed, the licensee may obtain a duplicate copy by paying the fee prescribed in Section 63-1-43. The license or permit shall be marked "Duplicate."

SECTION 15. Section 63-1-43, Mississippi Code of 1972, as amended by House Bill No. 550, 2021 Regular Session, is amended as follows:

63-1-43. (1) The commissioner shall charge and collect the following fees:

(a) Fees to which the card stock fee authorized in Section 45-1-21 shall be added:

Class R original or renewal four-year license authorized in Section 63-1-5.....$18.00

Class R original or renewal eight-year license authorized in Section 63-1-5.....$36.00

Class D original or renewal four-year license authorized in Section 63-1-47.....$23.00

Class D original or renewal eight-year license authorized in Section 63-1-47.....$46.00

Four-year Identification Card authorized in Section 45-35-7.....$11.00

Eight-year Identification Card authorized in

Section 45-35-7.....$22.00

Eight-year Identification Card for the blind authorized in Section 45-35-7.....$11.00

Four-year Disability Identification Card authorized in Section 45-35-53.....$11.00

* * * Learner's Permit authorized in Section 63-1-21.....$ 1.00

Duplicate Identification Card or Disability Identification Card.....$ 5.00

* * *

Duplicate Class R or Class D license authorized in Section 63-1-37.....$ 5.00

Class A, B or C Commercial driver's license authorized in Section 63-1-208.....$48.00

CDL Learner's Permit authorized in Section 63-1-208....$10.00

Duplicate CDL or CDL learner's permit.....$ 5.00

Ignition-Interlock-Restricted License authorized in Section 63-11-31.....$50.00

(b) Driver services fees to which the card stock fee authorized in Section 45-1-21 is not added:

Temporary Motorcycle Permit.....$ 1.00

Four-year or eight-year Motorcycle Endorsement.....$ 5.00

Late Renewal Fee.....$ 1.00

Four-year Identification Card upon medical reason for surrender of a driver's license as authorized in

Section 45-35-7 (one (1) time only).....No fee
Hazardous Materials Background Check (federal).....$63.00
Hazardous Materials Background Check (state).....$37.00
CDL Application Fee.....$25.00
CDL Endorsements:
Tanker Endorsement.....$ 5.00
Doubles/Triples Endorsement.....$ 5.00
Passenger Endorsement.....$ 5.00
Hazardous Materials Endorsement.....$ 5.00
School Bus Endorsement.....$ 5.00

(c) In addition to the fees required in this section, an applicant may contribute an additional One Dollar ($1.00) which shall be deposited into the Statewide Litter Prevention Fund. The applicant shall be informed that he may contribute an additional One Dollar ($1.00) which shall be deposited into the Statewide Litter Prevention Fund and shall be expended solely for the purpose of funding litter prevention projects or litter education programs, as recommended by the Statewide Litter Prevention Program of Keep Mississippi Beautiful, Inc.

(d) Starting January 1, 2021, for any original or renewal license for which the fee is greater than Ten Dollars ($10.00), if the applicant brings all required documentation but does not receive his or her license within two and one-half (2-1/2) hours of entering and remaining at the license station,

Ten Dollars ($10.00) shall be deducted from the total amount owed for the license.

(2) All originals and renewals of operators' licenses shall be in compliance with Section 63-1-47.

SECTION 16. Section 63-1-47, Mississippi Code of 1972, as amended by House Bill No. 550, 2021 Regular Session, is amended as follows:

63-1-47. (1) (a) Except as otherwise provided in this section, each applicant for an original or renewal Class R or Class D license issued pursuant to this article, who is entitled to issuance of same, shall be issued a four-year license or an eight-year license, at the option of the applicant, which will expire at midnight on the licensee's birthday and may be renewed any time within six (6) months before the expiration of the license upon application and payment of the required fee, unless required to be reexamined.

* * *

(* * *b) The term of an ignition-interlock-restricted license issued under this article shall be four (4) years.

(2) Any commercial driver's license issued under Article 5 of this chapter shall be issued for a five-year term to expire at midnight on the licensee's birthday.

(3) (a) All applications by an operator under eighteen (18) years of age must be accompanied by documentation that the applicant is in compliance with the education requirements of

Section 63-1-9(1)(g), and the documentation used in establishing compliance must be dated no more than thirty (30) days before the date of application.

(b) All applications by an operator under eighteen (18) years of age, if applicable, must be accompanied by documentation signed and notarized by the parent or guardian of the applicant and the appropriate school official, authorizing the release of the applicant's attendance records to the Department of Public Safety as required under Section 63-1-10.

(c) The commissioner shall suspend the driver's license * * * or * * * learner's permit of a student under eighteen (18) years of age who has been reported by the Department of Education as required by Section 63-1-10.1, and shall give notice of the suspension to the licensee as provided in Section 63-1-52(4). A school superintendent or designee may request that the driver's license * * * or * * * learner's permit that has been suspended under the provisions of this subsection be reinstated after the student has successfully completed nine (9) weeks of school attendance without an unlawful absence.

(4) (a) Any original or renewal license issued under this chapter to a person who is not a United States citizen shall expire four (4) years from the date of issuance or on the expiration date of the applicant's authorized stay in the United States, whichever is the lesser period of time, and may be renewed, if the person is otherwise qualified to renew the

license, within thirty (30) days of expiration. The fee for any such license and for renewal shall be as prescribed in Section 63-1-43.

(b) Any applicant for an original or renewal license under this subsection (4) must present valid documentary evidence documenting that the applicant:

(i) Is a citizen or national of the United States;

(ii) Is an alien lawfully admitted for permanent or temporary residence in the United States;

(iii) Has conditional permanent residence status in the United States;

(iv) Has an approved application for asylum in the United States or has entered into the United States in refugee status;

(v) Has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into or lawful presence in the United States;

(vi) Has a pending application for asylum in the United States;

(vii) Has a pending or approved application for temporary protected status in the United States;

(viii) Has approved deferred-action status;

(ix) Has a pending application for adjustment of status to that of an alien lawfully admitted for permanent

residence in the United States or conditional permanent resident status in the United States; or

(x) Has a valid employment authorization card issued by the United States Department of Homeland Security.

(5) For any driver's license issued under this chapter, the Department of Public Safety shall send an email and text message notification of an upcoming driver's license expiration date to the known emails and phone numbers authorized by license holders for such notices not less than thirty (30) days before the expiration date of that license.

SECTION 17. This act shall take effect and be in force from and after passage.

Mississippi Legislature
2021 Regular Session

Senate Bill 2621

Description: Task Force; establish to study domestic law matters.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Judiciary, Division A
2	01/28	(S) Title Suff Do Pass Comm Sub
3	02/09	(S) Committee Substitute Adopted
4	02/09	(S) Amended
5	02/09	(S) Passed As Amended {Vote}
6	02/11	(S) Transmitted To House
7	02/26	(H) Referred To Judiciary A
8	03/01	(H) Title Suff Do Pass As Amended
9	03/09	(H) Amended
10	03/09	(H) Passed As Amended {Vote}
11	03/10	(H) Returned For Concurrence
12	03/15	(S) Decline to Concur/Invite Conf
13	03/16	(S) Conferees Named Wiggins,Parker,Boyd
14	03/22	(H) Conferees Named Cockerham,Tullos,Blackmon
15	03/27	(S) Conference Report Filed
16	03/27	(H) Conference Report Filed
17	03/28	(H) Conference Report Adopted {Vote}
18	03/28	(S) Conference Report Adopted {Vote}
19	04/05	(S) Enrolled Bill Signed
20	04/05	(H) Enrolled Bill Signed
21	04/16	Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[S] Amendment No 2 (Cmte Sub)***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2621

Conference Reports:

Conference Report

----- Additional Information -----

Senate Committee: Judiciary, Division A
House Committee: Judiciary A

Principal Author: Wiggins
Additional Authors: McCaughn, Branning, Suber, Parker, England, Hill

Title: AN ACT TO ESTABLISH A "TASK FORCE TO STUDY MISSISSIPPI'S LAWS REGARDING THE AWARDING AND CALCULATING OF CHILD SUPPORT, ALIMONY AND OTHER RELATED MATTERS IN DOMESTIC LAW"; TO PRESCRIBE THE MEMBERSHIP OF THE TASK FORCE AND PROVIDE FOR ITS ORGANIZATION; TO PROVIDE FOR A REPORT BY THE TASK FORCE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Wiggins, McCaughn, Branning, Suber, Parker, England, Hill

To: Judiciary, Division A

SENATE BILL NO. 2621
(As Sent to Governor)

AN ACT TO ESTABLISH A "TASK FORCE TO STUDY MISSISSIPPI'S LAWS REGARDING THE AWARDING AND CALCULATING OF CHILD SUPPORT, ALIMONY AND OTHER RELATED MATTERS IN DOMESTIC LAW"; TO PRESCRIBE THE MEMBERSHIP OF THE TASK FORCE AND PROVIDE FOR ITS ORGANIZATION; TO PROVIDE FOR A REPORT BY THE TASK FORCE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) There is hereby established the "Task Force to Study Mississippi's Laws Regarding the Awarding and Calculating of Child Support, Alimony and Other Related Matters in Domestic Law" to develop a recommendation to the Legislature and the Mississippi Supreme Court relative to revising Mississippi's domestic relations laws to reflect current jurisprudence in these areas and to propose legislation and rule changes based upon its recommendation.

(2) The members of the Task Force shall be as follows:

(a) The Chairmen of the Judiciary A Committees of the Mississippi Senate and the Mississippi House of Representatives;

(b) One (1) designee of the Mississippi Supreme Court to be named by the Chief Justice of the Supreme Court;

(c) One (1) designee of the Mississippi Court of Appeals to be named by the Chief Judge of the Court of Appeals;

(d) Two (2) sitting Chancellors to be named by the Chief Justice of the Supreme Court;

(e) Two (2) practicing attorneys in the State of Mississippi with expertise in the area of domestic relations, one (1) from each of the federal judicial districts to be named by the Mississippi Bar Association;

(f) One (1) practicing attorney who is a general practitioner with expertise in the area of domestic relations and who practices in a firm with five (5) or fewer licensed attorneys to be named by the Mississippi Bar Association;

(g) Two (2) practicing guardians ad litem to be named by the Mississippi Bar Association;

(h) One (1) practicing or retired attorney with expertise in disability law and domestic law to be named by the Mississippi Bar Association;

(i) One (1) designee of the Child Support Unit of the Mississippi Department of Human Services to be named by the executive director of the department;

(j) One (1) professor of law with expertise in domestic law to be named by the Dean of the University of Mississippi School of Law; and

(k) One (1) professor of law with expertise in domestic law to be named by the Dean of the Mississippi College School of Law.

(3) The Task Force shall meet within forty-five (45) days of the effective date of this act, upon the call of the Governor, and shall evaluate the current domestic laws and cases in Mississippi. Specifically the Task Force shall:

(a) Review the models used by states to determine the base child support amount due, including the "Income Shares Model," the "Percentage of Income Model" and the "Melson Formula," which incorporate a self-support reserve for the obligor and take into consideration the health care expenses of the children;

(b) Review special provisions for child care expenses, formulas for shared custody, split custody and extraordinary visitation, and deductions for the support of previous and subsequent children;

(c) Review the current trends of law regarding "No-Fault Divorce" and make recommendation(s) based on said review;

(d) Review the current trends in the imposition and cost of fees for guardian ad litem and related issues on guardians and make recommendation(s) based on said review;

(e) Review Senate Bill No. 2220, 2021 Regular Session, and make recommendation(s) based on said review; and

(f) Review any other matters related to the above issues or related to domestic law.

(4) The Task Force may request the assistance of the University of Mississippi School of Law and the Mississippi College School of Law, the Mississippi Judicial College, the Mississippi Administrative Office of Courts and the proper section of the Mississippi Bar Association, or any other related organization with expertise in domestic relations.

(5) The members of the Task Force shall elect a Chair from among the members. The Task Force shall develop and report its findings and recommendations for proposed legislation to the Legislature and proposed rule changes to the Mississippi Supreme Court on or before December 1, 2021. A quorum of the membership shall be required to approve any final report and recommendation. Members of the Task Force shall be reimbursed for necessary travel expense in the same manner as public employees are reimbursed for official duties from any available funds and members of the Legislature shall be reimbursed in the same manner as for attending out-of-session committee meetings.

(6) The Mississippi Bar Association and the Mississippi Judicial College shall provide necessary clerical support for the meetings of the Task Force and the preparation of the report. Proposed legislation shall be prepared by the Legislative Services Offices of the Senate and House as requested.

(7) Upon presentation of its report the Task Force shall be dissolved.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2623

Description: Motor vehicle insurance; extend repealer on Public Safety Verification and Enforcement Act.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Insurance
2	01/28	(S) Title Suff Do Pass Comm Sub
3	02/09	(S) Committee Substitute Adopted
4	02/09	(S) Amendment Failed
5	02/09	(S) Passed {Vote}
6	02/10	(S) Transmitted To House
7	02/24	(H) Referred To Insurance
8	03/01	(H) Title Suff Do Pass As Amended
9	03/09	(H) Amended
10	03/09	(H) Passed As Amended {Vote}
11	03/10	(H) Returned For Concurrence
12	03/12	(S) Decline to Concur/Invite Conf
13	03/16	(S) Conferees Named Michel,Kirby,Harkins
14	03/23	(H) Conferees Named Zuber,Ford (54th),Newman
15	03/27	(S) Conference Report Filed
16	03/27	(H) Conference Report Filed
17	03/28	(H) Conference Report Adopted {Vote}
18	03/29	(S) Conference Report Adopted {Vote}
19	04/01	(S) Enrolled Bill Signed
20	04/01	(H) Enrolled Bill Signed
21	04/16	Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub)Lost Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2623

Conference Reports:
Conference Report

Code Section: R 063-0016-0001, R 063-0016-0003, R 063-0016-0005, R 063-0016-0007, R 063-0016-0011, R 063-0016-0013, A 063-0016-0015

----- Additional Information -----

Senate Committee: Insurance
House Committee: Insurance

Principal Author: Michel

Title: AN ACT TO REENACT SECTIONS 63-16-1, 63-16-3, 63-16-5, 63-16-7, 63-16-11 AND 63-16-13, MISSISSIPPI CODE OF 1972, WHICH CREATE THE PUBLIC SAFETY VERIFICATION AND ENFORCEMENT ACT; TO AMEND SECTION 63-16-15, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE PRECEDING SECTIONS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Michel To: Insurance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2623

AN ACT TO REENACT SECTIONS 63-16-1, 63-16-3, 63-16-5, 63-16-7, 63-16-11 AND 63-16-13, MISSISSIPPI CODE OF 1972, WHICH CREATE THE PUBLIC SAFETY VERIFICATION AND ENFORCEMENT ACT; TO AMEND SECTION 63-16-15, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE PRECEDING SECTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-16-1, Mississippi Code of 1972, is reenacted as follows:

63-16-1. This chapter shall be known as the "Public Safety Verification and Enforcement Act."

SECTION 2. Section 63-16-3, Mississippi Code of 1972, is reenacted as follows:

63-16-3. (1) The Department of Public Safety, hereinafter referred to in this section as "department," in cooperation with the Commissioner of Insurance and the Department of Revenue, shall establish an accessible common carrier-based motor vehicle insurance verification system to verify the compliance of a motor vehicle with motor vehicle liability policy requirements under the Mississippi Motor Vehicle Safety-Responsibility Law.

(2) The department, in cooperation with the Department of Revenue if applicable, may contract with a private vendor or vendors to establish and maintain the system.

(3) The system must:

(a) Send requests to insurers for verification of motor vehicle liability insurance using electronic services established by the insurers through the internet, World Wide Web, or a similar proprietary or common carrier electronic system in compliance with the specifications and standards of the Insurance Industry Committee on Motor Vehicle Administration and other applicable industry standards;

(b) Include appropriate provisions to secure its data against unauthorized access and to maintain a record of all requests and responses;

(c) Be accessible, without fee, to authorized personnel of the department, the courts, law enforcement personnel, and other entities authorized by the department under the provisions of Section 63-16-7;

(d) Be able to interface with existing department systems;

(e) Be able to be accessed by authorized users via a secure web browser;

(f) Not more often than every thirty (30) days, receive insurance information from insurers under specifications and standards set forth in paragraph (a) of this subsection or other

data file formats as approved by the department to identify motor vehicle insurance policy information; however, no insurer shall be required to provide information in a format other than those set forth by the Insurance Industry Committee on Motor Vehicle Administration "Insurance Data Transfer Guide," as amended;

(g) Provide a means by which low-volume insurers that are unable to deploy an online interface with the system can report insurance policy data to the department or their designee for inclusion in the system;

(h) Provide a means to track separately or distinguish motor vehicles that are subject to a certificate of insurance under Section 63-15-39 or 63-15-41, a certificate of self-insurance under Section 63-15-53, a bond under Section 63-15-49, or a certificate of deposit of money or securities under Section 63-15-51;

(i) Distinguish motor vehicles that are exempt from the provisions of this chapter;

(j) Be available twenty-four (24) hours a day, seven (7) days a week, subject to reasonable allowances for scheduled maintenance or temporary system failures, to verify the insurance status of any motor vehicle in a manner prescribed by the department; and

(k) Be installed and operational not later than March 1, 2016, followed by an appropriate testing period of not less than six (6) months.

(4) Every insurer shall cooperate with the department and the Insurance Department in establishing and maintaining the system and shall provide motor vehicle liability policy status and information to verify liability coverage for a motor vehicle insured by that company that is registered in this state.

SECTION 3. Section 63-16-5, Mississippi Code of 1972, is reenacted as follows:

63-16-5. (1) A law enforcement officer or authorized employee of a law enforcement agency may, during the course of a traffic stop or accident investigation, access the verification system established under Section 63-16-3 to verify whether a motor vehicle is covered by a valid motor vehicle liability policy in at least the minimum amounts required under Section 63-15-3(j).

(2) The response received from the system supersedes an insurance card produced by a motor vehicle operator, and notwithstanding the display of an insurance card by the operator, the law enforcement officer may issue a complaint and notice to appear to the operator for a violation of the Mississippi Motor Vehicle Safety-Responsibility Law. A law enforcement officer may exercise discretion in issuing a citation during the first sixty (60) days after proof of temporary insurance is issued by an insurance company, if the verification system shows that the insured's policy is expired and the operator provides proof of insurance with a new insurance company or a new insurance card.

(3) Except upon reasonable cause to believe that a driver has violated another traffic regulation or that the driver's motor vehicle is unsafe or not equipped as required by law, a law enforcement officer may not use the verification system to stop a driver for operating a motor vehicle in violation of this chapter.

SECTION 4. Section 63-16-7, Mississippi Code of 1972, is reenacted as follows:

63-16-7. (1) The Department of Public Safety, hereinafter referred to in this section as "department," shall administer and enforce the provisions of this chapter, as applicable, and shall make rules necessary for the administration of the motor vehicle insurance verification system created under Section 63-16-3.

(2) The rules must:

(a) Establish standards and procedures for accessing the system by authorized personnel of the department, the courts, law enforcement personnel and any other entities authorized by the department that are consistent with specifications and standards of the Insurance Industry Committee on Motor Vehicle Administration and other applicable industry standards;

(b) Provide for the suspension of a driver's license when required by this chapter;

(c) Prohibit the reinstatement of a driver's license unless the applicable fines have been paid; and

(d) Provide for insurance information from insurers, not more often than every thirty (30) days, to identify motor

vehicle insurance policy information; however, no insurer shall be required to provide such information in a format other than those set forth by the Insurance Industry Committee on Motor Vehicle Administration "Insurance Data Transfer Guide," as amended.

(3) The department may adopt additional rules to:

(a) Assist authorized users in interpreting responses received from the motor vehicle insurance verification system and determining the appropriate action to be taken as a result of a response; and

(b) Otherwise clarify system operations and business rules.

SECTION 5. Section 63-16-11, Mississippi Code of 1972, is reenacted as follows:

63-16-11. (1) This chapter shall not apply to any motor vehicle that:

(a) Has commercial auto coverage;

(b) Is qualified for a fleet registration;

(c) Is part of a self-insured corporate or individual fleet registered under Section 27-19-66, or self-insured under Section 63-15-53;

(d) Is included in an insurance binder that has not been entered into the system at the time the verification system is accessed;

(e) Is exempted from the proof of insurance requirement under Section 63-15-4(1); or

(f) Has a gross vehicle weight of sixteen thousand (16,000) pounds or greater.

(2) For the purposes of this chapter, "commercial auto coverage" is defined as any coverage provided to an insured, regardless of number of vehicles or entity covered, under a commercial coverage form and rated from a commercial manual approved by the Department of Insurance. This chapter shall not apply to vehicles insured under commercial auto coverage; however, insurers of such vehicles may participate on a voluntary basis.

SECTION 6. Section 63-16-13, Mississippi Code of 1972, is reenacted as follows:

63-16-13. (1) If the operator of a motor vehicle being operated on the public roads, streets or highways of the State of Mississippi or registered in the State of Mississippi has been found failing to have motor vehicle liability insurance in at least the minimum amounts required under Section 63-15-3(j), it is a misdemeanor and, upon conviction, is punishable by a fine of One Hundred Dollars ($100.00) and suspension of driving privilege for a period of one (1) year or until the owner of the motor vehicle shows proof of liability insurance that is in compliance with the liability limits required by Section 63-15-3(j) and has paid the fines and assessments imposed and the driver's license reinstatement fees imposed by the Department of Public Safety. A judge shall determine whether the defendant is indigent, and if a determination of indigence is made, shall authorize the

reinstatement of that person's driver's license upon proof of mandatory liability insurance subject to compliance with a payment plan for any fines, assessments and/or fees. If such fines are levied in a municipal court, the funds from such fines shall be deposited in the general fund of the municipality. If such fines are levied in any of the courts of the county, the funds from such fines shall be deposited in the general fund of the county. A person convicted of a criminal offense under this subsection (1) shall not be convicted of a criminal offense under Section 63-15-4(4) arising from the same incident.

(2) (a) There is created in the State Treasury a special fund to be designated as the "Uninsured Motorist Identification Fund." The fund shall consist of monies deposited therein as provided under subsection (1) of this section and monies from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund; however, one-half (1/2) of any monies in excess of the amount needed to defray the expenses and costs of the verification system created under Section 63-16-3 remaining in the fund at the end of a fiscal year shall be transferred to a special fund created in the State Treasury for the purpose of funding a Highway Patrol Trooper School, and one-half (1/2) of any monies in excess of the amount needed to defray the expenses and

costs of the verification system created under Section 63-16-3 remaining in the fund at the end of a fiscal year shall be transferred to the Mississippi Trauma Care Systems Fund created under Section 41-59-75.

(b) Monies in the Uninsured Motorist Identification Fund may be used by the Department of Public Safety, upon appropriation by the Legislature, only for the purpose of defraying expenses and costs for the motor vehicle insurance verification system created under Section 63-16-3. In addition, at any time during a fiscal year, if the Department of Public Safety determines that funds in the Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund created under Section 45-2-1 are insufficient, the department may request the State Fiscal Officer to transfer funds from the Uninsured Motorist Identification Fund. The State Fiscal Officer may make an appropriate transfer if he determines that the funds in the Law Enforcement Officers and Fire Fighters Death Benefits Trust Fund are insufficient and the funds in the Uninsured Motorist Identification Fund will be sufficient for defraying the expenses and costs for the motor vehicle insurance verification system created under Section 63-16-3. Monies in the fund used for the purposes described in this paragraph (b) shall be in addition to other funds available from any other source for such purposes.

SECTION 7. Section 63-16-15, Mississippi Code of 1972, is amended as follows:

63-16-15. Sections 63-16-1 through 63-16-13 shall stand repealed from and after July 1, * * * 2025.

SECTION 8. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2638

Description: Electronic documents; provide recording procedure for counties without electronic-recording capability.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S)	Referred To Judiciary, Division A
2	02/01	(S)	Title Suff Do Pass
3	02/09	(S)	Passed {Vote}
4	02/10	(S)	Transmitted To House
5	02/24	(H)	Referred To Judiciary A
6	03/02	(H)	Title Suff Do Pass As Amended
7	03/09	(H)	Amended
8	03/09	(H)	Passed As Amended {Vote}
9	03/10	(H)	Returned For Concurrence
10	03/15	(S)	Decline to Concur/Invite Conf
11	03/16	(S)	Conferees Named Wiggins,McCaughn,Turner-Ford
12	03/22	(H)	Conferees Named Cockerham,Aguirre,Reynolds
13	03/27	(S)	Conference Report Filed
14	03/27	(H)	Conference Report Filed
15	03/28	(H)	Conference Report Adopted {Vote}
16	03/29	(S)	Conference Report Adopted {Vote}
17	04/01	(S)	Enrolled Bill Signed
18	04/01	(H)	Enrolled Bill Signed
19	04/09		Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2638

Conference Reports:

| Conference Report

Code Section: A 089-0003-0001

----- Additional Information -----

Senate Committee: Judiciary, Division A
House Committee: Judiciary A

Principal Author: McCaughn

Title: AN ACT TO AMEND SECTION 89-3-1, MISSISSIPPI CODE OF 1972, TO PROVIDE A RECORDING PROCEDURE FOR ELECTRONIC DOCUMENTS IN COUNTIES THAT DO NOT HAVE ELECTRONIC CAPABILITY; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2638

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) McCaughn To: Judiciary, Division A

SENATE BILL NO. 2638
(As Sent to Governor)

AN ACT TO AMEND SECTION 89-3-1, MISSISSIPPI CODE OF 1972, TO PROVIDE A RECORDING PROCEDURE FOR ELECTRONIC DOCUMENTS IN COUNTIES THAT DO NOT HAVE ELECTRONIC CAPABILITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 89-3-1, Mississippi Code of 1972, is amended as follows:

* * *

89-3-1. (1) A document concerning real property or conveying personal property may not be recorded unless, in the case of a paper document, it contains an original signature or signatures, or in the case of an electronic document, contains an electronic signature or signatures that comply with the Uniform Real Property Electronic Recording Act (Article 3, Chapter 5, Title 89, Mississippi Code of 1972). For purposes of this section, the terms "document," "paper document" and "electronic document" have the meaning given in the Uniform Real Property Electronic Recording Act. A document concerning real property or conveying personal property which conforms to this subsection may

be recorded if it is acknowledged or proved according to law, or in the case of a document that is an affidavit, verified upon oath or affirmation.

(2) (a) A tangible copy of an electronic document that is otherwise eligible for recording under the laws of this state may be recorded if the tangible copy of the electronic document has been certified to be a true and correct copy of the electronic document as required in paragraph (b) of this subsection (2).

(b) The certificate must be transmitted with and be recorded as a part of the tangible copy of the electronic document being recorded and must:

(i) Contain an original signature of a licensed attorney or custodian of the electronic document that is verified upon oath or affirmation;

(ii) Identify the jurisdiction in which the certification is performed;

(iii) Contain the title of the notarial officer;

(iv) Indicate the date of expiration, if any, of the notarial officer's commission; and

(v) Include an official seal of the notary public affixed to the certificate.

(c) The following form of certificate is sufficient for purposes of this subsection if completed with the information required in paragraph (b) of this subsection:

"CERTIFICATE OF ELECTRONIC DOCUMENT

I, _____, [a licensed attorney or the custodian of the electronic document], hereby certify that the attached document, _____ (insert title), on _____ (date), and containing _____ pages, is a true and correct copy of an electronic document printed by me or under my supervision. A false certification under this section shall be subject to any penalties provided by law for such.

_____

(Signature of person making certification)

STATE OF _____

COUNTY OF _____

Signed and sworn to (or affirmed) before me on _____ (date) by _____ (name(s) of individual(s) making statement).

_____

(Signature of Notarial Officer)

_____

(Title of officer)

My commission expires:

_____

(Affix official seal, if applicable)"

(d) All tangible copies of electronic documents eligible for recording under this subsection (2) are validly recorded when accepted for recording by the chancery clerk's office. Tangible copies of electronic documents recorded by a

chancery clerk before the effective date of the Revised Mississippi Law on Notarial Acts shall be considered validly recorded with or without the certification provided in paragraph (b) of this subsection (2).

(e) The person making the certification provided in this section must:

(i) Confirm that the electronic document contains an electronic signature that is capable of independent verification and renders any subsequent changes or modifications to the electronic document evident;

(ii) Personally print or supervise the printing of the electronic document onto paper; and

(iii) Not make any changes or modifications to the electronic document other than the certification described in this subsection (2).

(f) If a certificate is completed with the information required by paragraph (b) of this subsection (2) and is attached to or made part of a tangible copy of an electronic document, the certificate is prima facie evidence that the requirements of paragraph (e) of this subsection (2) have been satisfied.

(g) This section does not apply to maps or plats that are subject to the requirements of Section 19-27-23, 19-27-25 or 19-27-27.

(* * *3) The chancery clerk's office may refuse to record a document that does not satisfy * * * the requirements of this

section. However, if a document does not satisfy subsection (1) or (2) of this section, but is otherwise admitted to record, then all persons shall be on constructive notice of the contents of the document.

(* * *4) If the relative priorities of conflicting claims to real property were established before July 1, 2011, then the law applicable to those claims at the time those claims were established shall determine their priority.

(* * *5) This section does not require the acknowledgement or verification upon oath or affirmation or prohibit the recording of any of the following filed for record under the Uniform Commercial Code or otherwise specially provided for by law:

(a) A financing statement;

(b) A security agreement filed as a financing statement; or

(c) A continuation statement.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2649

Description: Public contracts for energy efficiency; extend repeal date on use of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Energy
2	01/28	(S) Title Suff Do Pass
3	02/03	(S) Passed {Vote}
4	02/04	(S) Transmitted To House
5	02/24	(H) Referred To Energy
6	03/02	(H) Title Suff Do Pass As Amended
7	03/09	(H) Amended
8	03/09	(H) Passed As Amended {Vote}
9	03/10	(H) Returned For Concurrence
10	03/12	(S) Concurred in Amend From House {Vote}
11	03/15	(S) Motion to Reconsider Entered
12	03/17	(S) Reconsidered
13	03/17	(S) Decline to Concur/Invite Conf
14	03/23	(S) Conferees Named Carter,Parks,Harkins
15	03/23	(H) Conferees Named Powell,Hale,Bell (65th)
16	03/26	(S) Conference Report Filed
17	03/26	(H) Conference Report Filed
18	03/27	(H) Conference Report Adopted {Vote}
19	03/28	(S) Conference Report Adopted {Vote}
20	03/30	(S) Enrolled Bill Signed
21	03/30	(H) Enrolled Bill Signed
22	04/14	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2649

Conference Reports:
Conference Report

Code Section: RA 031-0007-0014

----- Additional Information -----

Senate Committee: Energy
House Committee: Energy

Principal Author: Carter

Title: AN ACT TO REENACT AND AMEND SECTION 31-7-14, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEAL DATE ON USE OF ENERGY EFFICIENT EQUIPMENT OR SERVICE CONTRACTS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Carter To: Energy

SENATE BILL NO. 2649

AN ACT TO REENACT AND AMEND SECTION 31-7-14, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEAL DATE ON USE OF ENERGY EFFICIENT EQUIPMENT OR SERVICE CONTRACTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 31-7-14, Mississippi Code of 1972, is reenacted and amended as follows:

31-7-14. (1) (a) For purposes of this section, the following words and phrases shall have the meaning ascribed herein, unless the context clearly indicates otherwise:

(i) "Division" means the Energy Division of the Mississippi Development Authority.

(ii) "Energy services" or "energy efficient services" means energy efficiency equipment, services relating to the installation, operation and maintenance of equipment and improvements reasonably required to existing or new equipment and existing or new improvements and facilities including, but not limited to, heating, ventilation and air-conditioning systems, lighting, windows, insulation and energy management controls, life

safety measures that provide long-term, operating-cost reductions, building operation programs that reduce operating costs, alternative fuel motor vehicles including vehicles that have been converted to such and ancillary equipment related to or associated with the fueling of alternative fuel motor vehicles, or other energy-conservation-related improvements, including improvements or equipment related to renewable energy, water and other natural resources conservation, including accuracy and measurement of water distribution and/or consumption, and other equipment, services and improvements providing verifiable cost savings.

(iii) "Energy services provider" means a person or business with a successful record of documented energy savings projects that is experienced in the design, implementation and installation of energy conservation measures; has the technical capabilities to verify that such measures generate energy and operational cost savings or enhanced revenues; has the ability to guarantee the savings; has the ability to secure or arrange the financing necessary to support the implementation of the energy conservation measures; and is approved by the division.

Approval by the division of an energy services provider shall be granted in a prequalification process.

Such energy services providers may petition the division to review their qualifications and deem them to be qualified for inclusion on a prequalification list if they meet the qualifications set forth by the division.

Any energy services project that has been competitively bid and awarded prior to any change in law shall be allowed to continue under the laws current at the time the project was awarded.

The division shall ensure that small businesses are not disadvantaged in the determination of a qualified energy services provider.

(iv) "Entity" means the board of trustees of any public school district, junior college, institution of higher learning, publicly owned hospital, state agency or governmental authority under this chapter.

(v) "Energy services contract" means an agreement to provide energy services which include, but are not limited to, the design, installation, financing and maintenance or management of the energy systems or equipment in order to improve its energy efficiency. Payments for the contract are not contingent upon the actual savings realized from the equipment.

(vi) "Energy performance contract" means an agreement to provide energy services which includes, but is not limited to, the design, installation, financing and maintenance or management of the energy systems or equipment in order to improve its energy efficiency.

(vii) "Shared-savings contract" means an agreement where the contractor and the entity each receive a preagreed

percentage or dollar value of the energy cost savings over the life of the contract.

(viii) "Reduce operating costs" means elimination of future expenses or avoidance of future replacement expenditures as a result of new equipment installed or services performed. Material savings, labor savings, cancelled maintenance contracts, et cetera, shall be considered as being viable to reduce operating costs. Reduce operating costs may be included in the performance contract or energy services agreement solely at the discretion of the entity. A contract that otherwise satisfies the requirements of this section shall satisfy the requirements allowing use of an energy performance, energy services or shared-savings contract even if the sole expense being eliminated is maintenance expense.

(ix) "Capital cost avoidance" means planned capital improvement expenditures that will be avoided through implementation of the energy services project. Capital cost avoidance may be included in an energy services contract or an energy performance contract solely at the discretion of the entity. Capital cost avoidance may be claimed as an annual avoidance or as a one-time avoidance in a specific year of the contract term, depending upon the nature of the avoided capital cost.

(x) "Alternative fuel motor vehicle" means a motor vehicle propelled by alternative fuel either as a dedicated alternative fuel vehicle, as a bi-fuel vehicle using alternative

fuel as one of its fuels, or as a dual fuel vehicle using alternative fuel as one of its fuels.

(xi) "Energy conservation measure" means the individual items or components of a large energy services or energy efficient services program.

(xii) "Simple payback period" means the amount of time for the recuperation of the initial investment. The simple payback period is calculated by dividing the initial investment by the annual savings. The simple payback period for any contract shall not exceed twenty (20) years. The simple payback period of an individual energy conservation measure shall not be considered in any evaluation provided the simple payback period for the contract does not exceed twenty (20) years.

(b) An entity may enter into an energy services contract, energy performance contract, shared-savings contract, any of which may contain a lease, or lease-purchase contract for energy efficiency equipment, services relating to the installation, operation and maintenance of equipment or improvements reasonably required to existing or new equipment and existing or new improvements and facilities and shall contract in accordance with the following provisions:

(i) The division may assemble a list of prequalified energy services providers. The division shall use objective criteria in the selection process. The criteria for evaluation shall include, but shall not be limited to, the

following factors: to assess the capability of the qualified energy services provider in the area of design engineering, installation, maintenance and repairs associated with energy services or guaranteed energy performance contracts; qualifications including engineering depth and experience, post-installation project monitoring, data collection, and verification of and reporting of savings; overall project experience and qualifications; management capability; ability to access long-term sources of project financing; financial health and stability, litigation history with customers and other factors determined by the division to be relevant and appropriate and related to the ability to perform the project. The division shall either accept or reject an application for prequalification from an energy services provider within sixty (60) days after receipt. If the division fails to act within sixty (60) days from the date of receiving an application, then the application shall automatically be accepted and the energy services provider shall be added to the prequalified list.

(ii) An entity shall publicly issue requests for proposals, advertised in the same manner as provided in Section 31-7-13 for seeking competitive sealed bids, concerning the provision of energy efficiency services relating to the installation, operation and maintenance of equipment, improvements reasonably required to existing or new equipment and existing or new improvements and facilities or the design, installation,

ownership, operation and maintenance of energy efficiency equipment. Those requests for proposals shall contain terms and conditions relating to submission of proposals, evaluation and selection of proposals, financial terms, legal responsibilities, and any other matters as the entity determines to be appropriate for inclusion.

(iii) Upon receiving responses to the request for proposals, the entity may select the most qualified proposal or proposals on the basis of experience and qualifications of the proposers, the technical approach, the financial arrangements, the overall benefits to the entity and any other relevant factors determined to be appropriate.

(iv) An entity shall negotiate and enter into contracts with the person, persons, firm or firms submitting the proposal selected as the most qualified under this section.

(v) The annual rate of interest paid under any lease-purchase agreement authorized by this section shall not exceed the maximum interest rate to maturity on general obligation indebtedness permitted under Section 75-17-101.

(vi) The maximum lease-purchase term for any equipment acquired under this section shall not exceed the lesser of twenty (20) years or the average useful life of the energy conservation measures from the date the energy conservation measures have been completed and accepted by the governmental unit.

(vii) This subsection shall, with respect to the procurement of energy efficiency services and/or equipment, supersede any contradictory or conflicting provisions of Chapter 7, Title 31, Mississippi Code of 1972, and other laws with respect to awarding public contracts.

(2) (a) The division may contract with a party selected under this subsection to provide financing to entities and private "nonprofit" hospitals, to purchase energy efficiency equipment, services relating to the installation, operation and maintenance of equipment or improvements reasonably required to existing or new equipment and existing or new improvements and facilities or an energy saving performance contract, energy services contract, or lease-purchase basis. Any energy efficiency lease financing contract entered into by the division before May 15, 1992, shall be valid and binding when the contract was entered into under this subsection.

(b) The entities and private "nonprofit" hospitals that decide to contract for energy efficiency equipment, services relating to the installation, operation and maintenance of equipment or improvements reasonably required to existing or new equipment and existing or new improvements and facilities on a lease, energy services contract or lease-purchase basis, may request financial assistance from the division.

(c) The provisions of any energy efficiency lease-purchase agreements authorized under this subsection (2)

shall comply with the requirements of subsection (1)(b)(v) of this section. The term of any lease or lease-purchase agreement for energy efficiency services and/or equipment entered into under this section shall not exceed twenty (20) years, commencing on the completion of the installation of equipment or improvements under the contract.

(d) Any entity or private "nonprofit" hospital having approval of the division may borrow money in anticipation of entering into a lease-purchase agreement pursuant to subsection (2)(b) of this section. Any borrowing may be upon terms and conditions as may be agreed upon by the borrowing entity and the party advancing interim funds; however, the principal on any borrowing shall be repaid within a period of time not to exceed one hundred eighty (180) days. In borrowing money under this paragraph (d), it is not necessary to publish notice of intention to do so or to secure the consent of the qualified electors, either by election or otherwise. Any borrowing may be negotiated between the parties and is not required to be publicly bid, may be evidenced by negotiable notes or lease and shall not be considered when computing any limitation of indebtedness of the borrowing entity established by law. The principal, interest and costs of incurring any borrowing shall not exceed the principal amount of the final contract or agreement approved by the division, and accepted by the borrowing entity, under subsection (2)(b) of this section.

(e) This subsection (2) shall, with respect to the procurement of energy efficiency services and/or equipment, supersede the provisions of any contradictory or conflicting provisions of Chapter 7, Title 31, Mississippi Code of 1972, and other laws with respect to awarding public contracts.

(3) All lease-purchase agreements authorized by this section and the income from those agreements shall be exempt from all taxation within the State of Mississippi, except gift, transfer and inheritance taxes.

(4) (a) An entity may contract for energy efficiency equipment services relating to the installation, operation or maintenance of equipment or improvements reasonably required to existing or new equipment and existing or new improvements and facilities on a shared-savings basis or performance basis.

(b) If an entity decides to enter into a contract for energy efficiency equipment, services relating to the installation, operation or maintenance of equipment or improvements reasonably required to existing or new equipment and existing or new improvements and facilities on a shared-savings basis or performance basis, the entity shall issue a request for proposals or a request for qualifications, as determined necessary by the division, in the same manner as prescribed under subsection (1)(b) of this section. The entity shall notify the division in writing of its intention to issue a request for proposals or a request for qualifications.

(c) The terms of any shared-savings contract, energy services contract, or energy performance contract entered into under this section may not exceed twenty (20) years, commencing on the completion of the installation of equipment or improvements under the contract.

(d) The terms of any shared-savings or energy performance contract entered into under this section must contain a guarantee of savings clause from the company providing energy efficiency equipment services relating to the installation, operation and maintenance of equipment or improvements reasonably required to existing or new equipment and existing or new improvements and facilities.

(5) (a) By March 1 and September 1 of each year, each entity that enters into an energy performance contract or shared-savings contract shall report to the division its energy usage by meter in dollars and consumption by fuel type for the previous six-month period determined by the division.

(b) The division shall remove qualified status of an energy services provider that fails to meet the reporting requirements of paragraph (a) of this subsection after two (2) such violations.

(c) Any costs associated with the reporting made under this subsection (5) shall be paid by the energy services provider.

(6) The contract may be construed to provide flexibility to public agencies in structuring agreements entered into hereunder so that economic benefits may be maximized.

(7) This section shall stand repealed on July 1, * * * 2025.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2795

Description: "Mississippi Earned Parole Eligibility Act"; enact.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Corrections
2	01/28	(S) Title Suff Do Pass Comm Sub
3	02/09	(S) Committee Substitute Adopted
4	02/09	(S) Amended
5	02/09	(S) Passed As Amended {Vote}
6	02/16	(S) Transmitted To House
7	02/24	(H) Referred To Corrections
8	03/01	(H) Title Suff Do Pass As Amended
9	03/09	(H) Amended
10	03/09	(H) Passed As Amended {Vote}
11	03/09	(H) Motion to Reconsider Entered (Horan, Mickens, Hobgood-Wilkes)
12	03/10	(H) Motion to Reconsider Tabled
13	03/10	(H) Returned For Concurrence
14	03/11	(S) Decline to Concur/Invite Conf
15	03/11	(S) Motion to Reconsider Entered
16	03/15	(S) Motion to Reconsider Tabled
17	03/16	(S) Conferees Named Barnett,Sparks,Wiggins
18	03/22	(H) Conferees Named Horan,Goodin,Faulkner
19	03/29	(S) Conference Report Filed
20	03/29	(H) Conference Report Filed
21	03/30	(S) Conference Report Adopted {Vote}
22	03/30	(H) Point of Order Raised
23	03/30	(H) Point of Order-Not Well Taken
24	03/30	(H) Conference Report Adopted {Vote}
25	04/01	(S) Enrolled Bill Signed
26	04/01	(H) Enrolled Bill Signed
27	04/22	Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub)*Adopted* Voice Vote
[H] Committee Amendment No 1 *Adopted* Voice Vote
Amendment Report for Senate Bill No. 2795
Conference Reports:
| Conference Report

Code Section: A 047-0007-0003, A 047-0007-0003.1, A 047-0007-0003.2, A 047-0007-0005, A 047-0007-0015, A 047-0007-0017, A 047-0007-0018

----- Additional Information -----

Senate Committee: Corrections
House Committee: Corrections

Principal Author: Barnett
Additional Authors: Jackson (11th), Sparks, Butler, Wiggins, Jackson (32nd), Simmons (13th)

Title: AN ACT ENTITLED THE "MISSISSIPPI EARNED PAROLE ELIGIBILITY ACT"; TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO PRESCRIBE CONDITIONS FOR PAROLE ELIGIBILITY AND TO PROVIDE LIMITATIONS ON INMATE ELIGIBILITY TO PETITION THE SENTENCING COURT FOR PAROLE ELIGIBILITY IF THE INMATE IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE OR NONVIOLENCE; TO AMEND SECTION 47-7-3.1, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR INMATE CASE PLANNING AND TO PRESCRIBE DATES FOR THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO COMPLETE CASE PLANS FOR PAROLE-ELIGIBLE INMATES TO ENSURE THAT THE PLAN IS ACHIEVABLE; TO AMEND SECTION 47-7-3.2, MISSISSIPPI CODE OF 1972, TO PROVIDE A MINIMUM TIME THAT OFFENDERS CONVICTED OF A CRIME OF VIOLENCE MUST SERVE BEFORE RELEASE AND A MINIMUM PERCENTAGE OF OTHER SENTENCES THAT OTHER OFFENDERS MUST SERVE BEFORE RELEASE; TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO REMOVE PROHIBITION AGAINST COMPENSATION OR PER DIEM OF THE MISSISSIPPI PAROLE BOARD, ITS REQUIREMENTS, AND THE MINIMUM VOTE REQUIRED TO GRANT PAROLE TO AN INMATE CONVICTED OF CAPITAL MURDER OR SEX OFFENSE; TO AMEND SECTION 47-7-15, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 47-7-17, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE VICTIM OR DESIGNATED FAMILY MEMBER SHALL BE PROVIDED AN OPPORTUNITY TO BE HEARD BY THE PAROLE BOARD PRIOR TO A PAROLE DECISION; TO AMEND SECTION 47-7-18, MISSISSIPPI CODE OF 1972, TO REQUIRE CERTAIN PAROLE HEARINGS FOR SEX OFFENDERS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Barnett, Jackson (11th), Sparks, Butler, Wiggins, Jackson (32nd), Simmons (13th)

To: Corrections

SENATE BILL NO. 2795
(As Sent to Governor)

AN ACT ENTITLED THE "MISSISSIPPI EARNED PAROLE ELIGIBILITY ACT"; TO AMEND SECTION 47-7-3, MISSISSIPPI CODE OF 1972, TO PRESCRIBE CONDITIONS FOR PAROLE ELIGIBILITY AND TO PROVIDE LIMITATIONS ON INMATE ELIGIBILITY TO PETITION THE SENTENCING COURT FOR PAROLE ELIGIBILITY IF THE INMATE IS SERVING A SENTENCE FOR A CRIME OF VIOLENCE OR NONVIOLENCE; TO AMEND SECTION 47-7-3.1, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR INMATE CASE PLANNING AND TO PRESCRIBE DATES FOR THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO COMPLETE CASE PLANS FOR PAROLE-ELIGIBLE INMATES TO ENSURE THAT THE PLAN IS ACHIEVABLE; TO AMEND SECTION 47-7-3.2, MISSISSIPPI CODE OF 1972, TO PROVIDE A MINIMUM TIME THAT OFFENDERS CONVICTED OF A CRIME OF VIOLENCE MUST SERVE BEFORE RELEASE AND A MINIMUM PERCENTAGE OF OTHER SENTENCES THAT OTHER OFFENDERS MUST SERVE BEFORE RELEASE; TO AMEND SECTION 47-7-5, MISSISSIPPI CODE OF 1972, TO REMOVE PROHIBITION AGAINST COMPENSATION OR PER DIEM OF THE MISSISSIPPI PAROLE BOARD, ITS REQUIREMENTS, AND THE MINIMUM VOTE REQUIRED TO GRANT PAROLE TO AN INMATE CONVICTED OF CAPITAL MURDER OR SEX OFFENSE; TO AMEND SECTION 47-7-15, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 47-7-17, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE VICTIM OR DESIGNATED FAMILY MEMBER SHALL BE PROVIDED AN OPPORTUNITY TO BE HEARD BY THE PAROLE BOARD PRIOR TO A PAROLE DECISION; TO AMEND SECTION 47-7-18, MISSISSIPPI CODE OF 1972, TO REQUIRE CERTAIN PAROLE HEARINGS FOR SEX OFFENDERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This act shall be known and may be cited as the "Mississippi Earned Parole Eligibility Act."

SECTION 2. Section 47-7-3, Mississippi Code of 1972, is amended as follows:

47-7-3. (1) Every prisoner who has been convicted of any offense against the State of Mississippi, and is confined in the execution of a judgment of such conviction in the Mississippi Department of Corrections for a definite term or terms of one (1) year or over, or for the term of his or her natural life, whose record of conduct shows that such prisoner has observed the rules of the department, and who has served * * * the minimum required time for parole eligibility, may be released on parole as * * * set forth herein:

(a) **Habitual offenders.** Except as provided by Sections 99-19-81 through 99-19-87, no * * * person sentenced as a confirmed and habitual criminal * * * shall be eligible for parole;

(b) **Sex offenders.** Any person who * * * has been * * * sentenced for a sex offense as defined in Section 45-33-23(h) shall not be released on parole except for a person under the age of nineteen (19) who has been convicted under Section 97-3-67;

(c) * * * **Capital offenders.** No person * * * sentenced for the following offenses shall be eligible for parole:

(i) Capital murder committed on or after July 1, 1994, as defined in Section 97-3-19(2);

(ii) Any offense to which an offender is sentenced to life imprisonment under the provisions of Section 99-19-101; or

(iii) Any offense to which an offender is sentenced to life imprisonment without eligibility for parole

under the provisions of Section 99-19-101, whose crime was committed on or after July 1, 1994;

* * *

(d) **Murder.** No person * * * sentenced for murder in the first degree, whose crime was committed on or after June 30, 1995, or murder in the second degree, as defined in Section 97-3-19, shall be eligible for parole;

(e) **Human trafficking.** No person * * * sentenced for human trafficking, as defined in Section 97-3-54.1, whose crime was committed on or after July 1, 2014, shall be eligible for parole;

(f) **Drug trafficking.** No person sentenced for trafficking and aggravated trafficking, as defined in Section 41-29-139(f) through (g), shall be eligible for parole;

(* * *g) **Offenses specifically prohibiting parole release.** No person shall be eligible for parole who is convicted * * * of any offense that specifically prohibits parole release;

(* * *h) (i) * * * **Offenders eligible for parole consideration for offenses committed after June 30, 1995.** Except as provided in paragraphs (a) through (g) of this subsection, offenders may be considered eligible for parole release as follows:

1. **Nonviolent crimes.** All persons sentenced for a nonviolent offense shall be eligible for parole only after

they have served twenty-five percent (25%) or ten (10) years, whichever is less, of the sentence or sentences imposed by the trial court. For purposes of this paragraph, "nonviolent crime" means a felony not designated as a crime of violence in Section 97-3-2.

2. **Violent crimes.** A person who is sentenced for a violent offense as defined in Section 97-3-2, except robbery with a deadly weapon as defined in Section 97-3-79, drive-by shooting as defined in Section 97-3-109, and carjacking as defined in Section 97-3-117, shall be eligible for parole only after having served fifty percent (50%) or twenty (20) years, whichever is less, of the sentence or sentences imposed by the trial court. Those persons sentenced for robbery with a deadly weapon as defined in Section 97-3-79, drive-by shooting as defined in Section 97-3-109, and carjacking as defined in Section 97-3-117, shall be eligible for parole only after having served sixty percent (60%) or twenty-five (25) years, whichever is less, of the sentence or sentences imposed by the trial court.

3. **Nonviolent and nonhabitual drug offenses.** A person who has been sentenced to a drug offense pursuant to Section 41-29-139(a) through (d), whose crime was committed after June 30, 1995, shall be eligible for parole only after he has served twenty-five percent (25%) or ten (10) years, whichever is less, of the sentence or sentences imposed.

(ii) **Parole hearing required.** All persons eligible for parole under subparagraph (i) of this paragraph (h) who are serving a sentence or sentences for a crime of violence, as defined in Section 97-3-2, shall be required to have a parole hearing before the Parole Board pursuant to Section 47-7-17, prior to parole release.

(* * *iii) **Geriatric parole.** Notwithstanding the provisions in subparagraph (i) of this paragraph (* * *h), a person serving a sentence who has reached the age of sixty (60) or older and who has served no less than ten (10) years of the sentence or sentences imposed by the trial court shall be eligible for parole. Any person eligible for parole under this * * * subparagraph (iii) shall be required to have a parole hearing before the board prior to parole release. No inmate shall be eligible for parole under this subparagraph (* * *iii) of this paragraph (* * *h) if:

1. The inmate is sentenced as a habitual offender under Sections 99-19-81 through 99-19-87;

2. The inmate is sentenced for a crime of violence under Section 97-3-2;

3. The inmate is sentenced for an offense that specifically prohibits parole release;

4. The inmate is sentenced for trafficking in controlled substances under Section 41-29-139(f);

5. The inmate is sentenced for a sex crime; or

6. The inmate has not served one-fourth (1/4) of the sentence imposed by the court.

(* * *iv) **Parole consideration as authorized by the trial court.** Notwithstanding the provisions of paragraph (a) of this subsection, any offender who has not committed a crime of violence under Section 97-3-2 and has served twenty-five percent (25%) or more of his sentence may be paroled by the State Parole Board if, after the sentencing judge or if the sentencing judge is retired, disabled or incapacitated, the senior circuit judge authorizes the offender to be eligible for parole consideration; or if the senior circuit judge must be recused, another circuit judge of the same district or a senior status judge may hear and decide the matter * * *. A petition for parole eligibility consideration pursuant to this subparagraph (iv) shall be filed in the original criminal cause or causes, and the offender shall serve an executed copy of the petition on the District Attorney. The court may, in its discretion, require the District Attorney to respond to the petition.

* * *

(* * *2) The State Parole Board shall, by rules and regulations, establish a method of determining a tentative parole hearing date for each eligible offender taken into the custody of the Department of Corrections. The tentative parole hearing date

shall be determined within ninety (90) days after the department has assumed custody of the offender. Except as provided in Section 47-7-18, the parole hearing date shall occur when the offender is within thirty (30) days of the month of his parole eligibility date. * * * Any parole eligibility date shall not be earlier than as required in this section.

(* * *3) Notwithstanding any other provision of law, an inmate shall not be eligible to receive earned time, good time or any other administrative reduction of time which shall reduce the time necessary to be served for parole eligibility as provided in subsection (1) of this section.

(4) Any inmate within * * * forty-eight (48) months of his parole eligibility date and who meets the criteria established by the classification board shall receive priority for placement in any educational development and job-training programs that are part of his or her parole case plan. Any inmate refusing to participate in an educational development or job-training program * * *, including, but not limited to, programs required as part of the case plan, shall be in jeopardy of noncompliance with the case plan and may be denied parole.

(5) In addition to other requirements, if an offender is convicted of a drug or driving under the influence felony, the offender must complete a drug and alcohol rehabilitation program prior to parole, or the offender shall be required to complete a postrelease drug and alcohol program as a condition of parole.

(6) Except as provided in subsection (1)(a) through (h) of this section, all other persons shall be eligible for parole after serving twenty-five percent (25%) of the sentence or sentences imposed by the trial court, or, if sentenced to thirty (30) years or more, after serving ten (10) years of the sentence or sentences imposed by the trial court.

(7) The Corrections and Criminal Justice Oversight Task Force established in Section 47-5-6 shall develop and submit recommendations to the Governor and to the Legislature annually on or before December 1st concerning issues relating to juvenile and habitual offender parole reform and to review and monitor the implementation of Senate Bill No. 2795, 2021 Regular Session.

(8) The amendments contained in this act shall apply retroactively from and after July 1, 1995.

(9) Notwithstanding provisions to the contrary in this section, a person who was sentenced before the effective date of this act may be considered for parole if the person's sentence would have been parole eligible before the date on which this act becomes effective.

(10) This section shall stand repealed on July 1, 2024.

SECTION 3. Section 47-7-3.1, Mississippi Code of 1972, is amended as follows:

47-7-3.1. (1) In consultation with the Parole Board, the department shall develop a case plan for all parole-eligible inmates to guide an inmate's rehabilitation while in the

department's custody and to reduce the likelihood of recidivism after release.

(2) * * * The case plan * * * shall include, but not be limited to:

(a) Programming and treatment requirements based on the results of a risk and needs assessment;

(b) Any programming or treatment requirements contained in the sentencing order; and

(c) General behavior requirements in accordance with the rules and policies of the department.

(3) With respect to parole-eligible inmates admitted to the department's custody on or after July 1, 2021, the department shall complete the case plan within ninety (90) days of admission. With respect to parole-eligible inmates admitted to the department's custody before July 1, 2021, the department shall complete the case plan by January 1, 2022.

(* * *4) The department shall provide the inmate with a written copy of the case plan and the inmate's caseworker shall explain the conditions set forth in the case plan.

(a) Within ninety (90) days of admission, the caseworker shall notify the inmate of their parole eligibility date as calculated in accordance with Section 47-7-3(3);

(b) At the time a parole-eligible inmate receives the case plan, the department shall send the case plan to the Parole Board for approval.

(* * *5) With respect to parole-eligible inmates admitted to the department's custody after July 1, 2021, the department shall ensure that the case plan is achievable prior to the inmate's parole eligibility date. With respect to parole-eligible inmates admitted to the department's custody before July 1, 2021, the department shall, to the extent possible, ensure that the case plan is achievable prior to the inmate's parole eligibility date or next parole hearing date, or date of release, whichever is sooner.

(* * *6) The caseworker shall meet with the inmate every eight (8) weeks from the date the offender received the case plan to review the inmate's case plan progress.

(* * *7) Every four (4) months the department shall electronically submit a progress report on each parole-eligible inmate's case plan to the Parole Board. The board may meet to review an inmate's case plan and may provide written input to the caseworker on the inmate's progress toward completion of the case plan.

(* * *8) The Parole Board shall provide semiannually to the Oversight Task Force the number of parole hearings held, the number of prisoners released to parole without a hearing and the number of parolees released after a hearing.

(9) If the Department of Corrections fails to adequately provide opportunity and access for the completion of such case plans, the Department of Corrections shall, to the extent

possible, contract with regional jail facilities that offer educational development and job-training programs to facilitate the fulfillment of the case plans of parole-eligible inmates.

SECTION 4. Section 47-7-3.2, Mississippi Code of 1972, is amended as follows:

47-7-3.2. (1) Notwithstanding * * * Section 47-5-138, 47-5-139, 47-5-138.1 or 47-5-142, no person convicted of a criminal offense on or after July 1, 2014, shall be released by the department until he or she has served no less than * * * the percentage of the sentence or sentences imposed by the court as set forth below:

(a) Twenty-five percent (25%) or ten (10) years, whichever is less, for a nonviolent crime;

(b) Fifty percent (50%) or twenty (20) years, whichever is less, for a crime of violence pursuant to Section 97-3-2, except for robbery with a deadly weapon as defined in Section 97-3-79, drive-by shooting as defined in Section 97-3-109, or carjacking as defined in Section 97-3-117;

(c) Sixty percent (60%) or twenty-five (25) years, whichever is less, for robbery with a deadly weapon as defined in Section 97-3-79, drive-by shooting as defined in Section 97-3-109, or carjacking as defined in Section 97-3-117.

(2) This section shall not apply to:

(a) Offenders sentenced to life imprisonment;

(b) Offenders convicted as habitual offenders pursuant to Sections 99-19-81 through 99-19-87;

(c) Offenders serving a sentence for a sex offense; or

(d) Offenders serving a sentence for trafficking pursuant to Section 41-29-139(f).

SECTION 5. Section 47-7-5, Mississippi Code of 1972, is amended as follows:

47-7-5. (1) The State Parole Board, created under former Section 47-7-5, is hereby created, continued and reconstituted and shall be composed of five (5) members. The Governor shall appoint the members with the advice and consent of the Senate. All terms shall be at the will and pleasure of the Governor. Any vacancy shall be filled by the Governor, with the advice and consent of the Senate. The Governor shall appoint a chairman of the board.

(2) Any person who is appointed to serve on the board shall possess at least a bachelor's degree or a high school diploma and four (4) years' work experience. Each member shall devote his full time to the duties of his office and shall not engage in any other business or profession or hold any other public office. A member shall * * * receive compensation or per diem in addition to his salary * * *. Each member shall keep such hours and workdays as required of full-time state employees under Section 25-1-98. Individuals shall be appointed to serve on the board without reference to their political affiliations. Each board member, including the chairman, may be reimbursed for actual and necessary

expenses as authorized by Section 25-3-41. Each member of the board shall complete annual training developed based on guidance from the National Institute of Corrections, the Association of Paroling Authorities International, or the American Probation and Parole Association. Each first-time appointee of the board shall, within sixty (60) days of appointment, or as soon as practical, complete training for first-time Parole Board members developed in consideration of information from the National Institute of Corrections, the Association of Paroling Authorities International, or the American Probation and Parole Association.

(3) The board shall have exclusive responsibility for the granting of parole as provided by Sections 47-7-3 and 47-7-17 and shall have exclusive authority for revocation of the same. The board shall have exclusive responsibility for investigating clemency recommendations upon request of the Governor.

(4) The board, its members and staff, shall be immune from civil liability for any official acts taken in good faith and in exercise of the board's legitimate governmental authority.

(5) The budget of the board shall be funded through a separate line item within the general appropriation bill for the support and maintenance of the department. Employees of the department which are employed by or assigned to the board shall work under the guidance and supervision of the board. There shall be an executive secretary to the board who shall be responsible for all administrative and general accounting duties related to

the board. The executive secretary shall keep and preserve all records and papers pertaining to the board.

(6) The board shall have no authority or responsibility for supervision of offenders granted a release for any reason, including, but not limited to, probation, parole or executive clemency or other offenders requiring the same through interstate compact agreements. The supervision shall be provided exclusively by the staff of the Division of Community Corrections of the department.

(7) (a) The Parole Board is authorized to select and place offenders in an electronic monitoring program under the conditions and criteria imposed by the Parole Board. The conditions, restrictions and requirements of Section 47-7-17 and Sections 47-5-1001 through 47-5-1015 shall apply to the Parole Board and any offender placed in an electronic monitoring program by the Parole Board.

(b) Any offender placed in an electronic monitoring program under this subsection shall pay the program fee provided in Section 47-5-1013. The program fees shall be deposited in the special fund created in Section 47-5-1007.

(c) The department shall have absolute immunity from liability for any injury resulting from a determination by the Parole Board that an offender be placed in an electronic monitoring program.

(8) (a) The Parole Board shall maintain a central registry of paroled inmates. The Parole Board shall place the following information on the registry: name, address, photograph, crime for which paroled, the date of the end of parole or flat-time date and other information deemed necessary. The Parole Board shall immediately remove information on a parolee at the end of his parole or flat-time date.

(b) When a person is placed on parole, the Parole Board shall inform the parolee of the duty to report to the parole officer any change in address ten (10) days before changing address.

(c) The Parole Board shall utilize an internet website or other electronic means to release or publish the information.

(d) Records maintained on the registry shall be open to law enforcement agencies and the public and shall be available no later than July 1, 2003.

(9) An affirmative vote of at least four (4) members of the Parole Board shall be required to grant parole to an inmate convicted of capital murder or a sex crime.

(10) This section shall stand repealed on July 1, 2022.

SECTION 6. Section 47-7-15, Mississippi Code of 1972, is amended as follows:

47-7-15. The board shall adopt an official seal of which the courts shall take judicial notice. Decisions of the board shall be made by majority vote, except as provided in Section 47-7-5(9).

The board shall keep a record of its acts and shall notify each institution of its decisions relating to the persons who are or have been confined therein. At the close of each fiscal year the board shall submit to the Governor and to the Legislature a report with statistical and other data of its work.

SECTION 7. Section 47-7-17, Mississippi Code of 1972, is amended as follows:

47-7-17. (1) Within one (1) year after his admission and at such intervals thereafter as it may determine, the board shall secure and consider all pertinent information regarding each offender, except any under sentence of death or otherwise ineligible for parole, including the circumstances of his offense, his previous social history, his previous criminal record, including any records of law enforcement agencies or of a youth court regarding that offender's juvenile criminal history, his conduct, employment and attitude while in the custody of the department, the case plan created to prepare the offender for parole, and the reports of such physical and mental examinations as have been made. The board shall furnish at least three (3) months' written notice to each such offender of the date on which he is eligible for parole.

* * * (2) Except as provided in Section 47-7-18, the board * * * shall require a parole-eligible offender to have a hearing as required in this chapter before the board and to be interviewed. The hearing shall be held no later than thirty (30)

days prior to the month of eligibility. No application for parole of a person convicted of a capital offense shall be considered by the board unless and until notice of the filing of such application shall have been published at least once a week for two (2) weeks in a newspaper published in or having general circulation in the county in which the crime was committed. The board shall, within thirty (30) days prior to the scheduled hearing, also give notice of the filing of the application for parole to the victim of the offense for which the prisoner is incarcerated and being considered for parole or, in case the offense be homicide, a designee of the immediate family of the victim, provided the victim or designated family member has furnished in writing a current address to the board for such purpose. The victim or designated family member shall be provided an opportunity to be heard by the board before the board makes a decision regarding release on parole. The board shall consider whether any restitution ordered has been paid in full. Parole release shall, at the hearing, be ordered only for the best interest of society, not as an award of clemency; it shall not be considered to be a reduction of sentence or pardon. An offender shall be placed on parole only when arrangements have been made for his proper employment or for his maintenance and care, and when the board believes that he is able and willing to fulfill the obligations of a law-abiding citizen. When the board determines that the offender will need transitional housing upon release in

order to improve the likelihood of * * * the offender becoming a law-abiding citizen, the board may parole the offender with the condition that the inmate spends no more than six (6) months in a transitional reentry center. At least fifteen (15) days prior to the release of an offender on parole, the director of records of the department shall give the written notice which is required pursuant to Section 47-5-177. Every offender while on parole shall remain in the legal custody of the department from which he was released and shall be amenable to the orders of the board. Upon determination by the board that an offender is eligible for release by parole, notice shall also be given within at least fifteen (15) days before release, by the board to the victim of the offense or the victim's family member, as indicated above, regarding the date when the offender's release shall occur, provided a current address of the victim or the victim's family member has been furnished in writing to the board for such purpose.

(3) Failure to provide notice to the victim or the victim's family member of the filing of the application for parole or of any decision made by the board regarding parole shall not constitute grounds for vacating an otherwise lawful parole determination nor shall it create any right or liability, civilly or criminally, against the board or any member thereof.

(4) A letter of protest against granting an offender parole shall not be treated as the conclusive and only reason for not granting parole.

(5) The board may adopt such other rules not inconsistent with law as it may deem proper or necessary with respect to the eligibility of offenders for parole, the conduct of parole hearings, or conditions to be imposed upon parolees, including a condition that the parolee submit, as provided in Section 47-5-601 to any type of breath, saliva or urine chemical analysis test, the purpose of which is to detect the possible presence of alcohol or a substance prohibited or controlled by any law of the State of Mississippi or the United States. The board shall have the authority to adopt rules related to the placement of certain offenders on unsupervised parole and for the operation of transitional reentry centers. However, in no case shall an offender be placed on unsupervised parole before he has served a minimum of fifty percent (50%) of the period of supervised parole.

SECTION 8. Section 47-7-18, Mississippi Code of 1972, is amended as follows:

47-7-18 (1) * * * No inmate convicted of a sex offense as defined by Section 45-33-23(h), a crime of violence as defined by Section 97-3-2, or both, nor an inmate who is eligible for geriatric parole shall be released on parole without a hearing before the Parole Board as required by Section 47-7-17. All other inmates eligible for parole pursuant to Section 47-7-3 * * * shall

be released from incarceration to parole supervision on the inmate's parole eligibility date, without a hearing before the board, if:

(a) The inmate has met the requirements of the parole case plan established pursuant to Section 47-7-3.1;

(b) A victim of the offense has not requested the board conduct a hearing;

(c) The inmate has not received a serious or major violation report within the past six (6) months;

(d) The inmate has agreed to the conditions of supervision; and

(e) The inmate has a discharge plan approved by the board.

(2) At least thirty (30) days prior to an inmate's parole eligibility date, the department shall notify the board in writing of the inmate's compliance or noncompliance with the case plan. If an inmate fails to meet a requirement of the case plan, prior to the parole eligibility date, he or she shall have a hearing before the board to determine if completion of the case plan can occur while in the community.

(3) Any inmate for whom there is insufficient information for the department to determine compliance with the case plan shall have a hearing with the board.

(4) A hearing shall be held with the board if requested by the victim following notification of the inmate's parole release date pursuant to Section 47-7-17.

(5) A hearing shall be held by the board if a law enforcement official from the community to which the inmate will return contacts the board or the department and requests a hearing to consider information relevant to public safety risks posed by the inmate if paroled at the initial parole eligibility date. The law enforcement official shall submit an explanation documenting these concerns for the board to consider.

(6) If a parole hearing is held, the board may determine the inmate has sufficiently complied with the case plan or that the incomplete case plan is not the fault of the inmate and that granting parole is not incompatible with public safety, the board may then parole the inmate with appropriate conditions. If the board determines that the inmate has sufficiently complied with the case plan but the discharge plan indicates that the inmate does not have appropriate housing immediately upon release, the board may parole the inmate to a transitional reentry center with the condition that the inmate spends no more than six (6) months in the center. If the board determines that the inmate has not substantively complied with the requirement(s) of the case plan it may deny parole. If the board denies parole, the board may schedule a subsequent parole hearing and, if a new date is scheduled, the board shall identify the corrective action the

inmate will need to take in order to be granted parole. Any inmate not released at the time of the inmate's initial parole date shall have a parole hearing at least every year.

SECTION 9. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2798

Description: Public utilities; authorize rate-regulated electric utilities to permit broadband provider use of the electric delivery system.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(S) Referred To Energy
2	01/28	(S) Title Suff Do Pass Comm Sub
3	02/03	(S) Committee Substitute Adopted
4	02/03	(S) Passed {Vote}
5	02/04	(S) Transmitted To House
6	02/24	(H) Referred To Public Utilities
7	03/02	(H) Title Suff Do Pass As Amended
8	03/08	(H) Read the Third Time
9	03/10	(H) Amended
10	03/10	(H) Passed As Amended {Vote}
11	03/11	(H) Returned For Concurrence
12	03/12	(S) Decline to Concur/Invite Conf
13	03/16	(S) Conferees Named Carter,Parks,Polk
14	03/22	(H) Conferees Named Bounds,Anderson (122nd),Gibbs (36th)
15	03/29	(S) Conference Report Filed
16	03/29	(H) Conference Report Filed
17	03/30	(H) Conference Report Adopted {Vote}
18	03/30	(S) Conference Report Adopted {Vote}
19	04/05	(S) Enrolled Bill Signed
20	04/05	(H) Enrolled Bill Signed
21	04/22	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted***
[H] Amendment No 1 to Amendment No 1 ***Adopted***
Amendment Report for Senate Bill No. 2798
Conference Reports:

| Conference Report

Code Section: A 077-0003-0002, A 077-0003-0003, A 077-0003-0044

----- Additional Information -----

Senate Committee: Energy
House Committee: Public Utilities

Principal Author: Carter

Title: AN ACT TO PROVIDE FOR CERTAIN PARTICIPATION OF RATE-REGULATED ELECTRIC UTILITIES IN THE EXPANSION OF BROADBAND SERVICES IN THE STATE OF MISSISSIPPI; TO AMEND SECTION 77-3-2, MISSISSIPPI CODE OF 1972, TO DECLARE THAT IT IS THE POLICY OF THE STATE OF MISSISSIPPI TO SUPPORT EXPANSION OF EXISTING AND EMERGING TECHNOLOGIES TO FOSTER RELIABLE AND RESILIENT SERVICE AND CUSTOMER ACCESS TO ENHANCED SERVICES; TO AMEND SECTION 77-3-3, MISSISSIPPI CODE OF 1972, TO INCLUDE DEFINITIONS OF "BROADBAND SERVICE PROVIDER," "BROADBAND OPERATOR" AND "ELECTRIC DELIVERY SYSTEM"; TO AMEND SECTION 77-3-44, MISSISSIPPI CODE OF 1972, TO INCLUDE FIBER-OPTIC INFRASTRUCTURE AS AN ECONOMIC DEVELOPMENT ACTIVITY, TO ALLOW RATE-REGULATED ELECTRIC UTILITIES TO PERMIT BROADBAND PROVIDERS USE OF THE ELECTRIC DELIVERY SYSTEM TO PROVIDE BROADBAND SERVICES, TO REGULATE EASEMENTS, TO ALLOW CERTAIN ENTITIES TO CONSTRUCT FIBER-OPTIC INFRASTRUCTURE ON PUBLIC UTILITIES' EXISTING RIGHTS-OF-WAY; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Carter To: Energy

SENATE BILL NO. 2798
(As Sent to Governor)

AN ACT TO PROVIDE FOR CERTAIN PARTICIPATION OF RATE-REGULATED ELECTRIC UTILITIES IN THE EXPANSION OF BROADBAND SERVICES IN THE STATE OF MISSISSIPPI; TO AMEND SECTION 77-3-2, MISSISSIPPI CODE OF 1972, TO DECLARE THAT IT IS THE POLICY OF THE STATE OF MISSISSIPPI TO SUPPORT EXPANSION OF EXISTING AND EMERGING TECHNOLOGIES TO FOSTER RELIABLE AND RESILIENT SERVICE AND CUSTOMER ACCESS TO ENHANCED SERVICES; TO AMEND SECTION 77-3-3, MISSISSIPPI CODE OF 1972, TO INCLUDE DEFINITIONS OF "BROADBAND SERVICE PROVIDER," "BROADBAND OPERATOR" AND "ELECTRIC DELIVERY SYSTEM"; TO AMEND SECTION 77-3-44, MISSISSIPPI CODE OF 1972, TO INCLUDE FIBER-OPTIC INFRASTRUCTURE AS AN ECONOMIC DEVELOPMENT ACTIVITY, TO ALLOW RATE-REGULATED ELECTRIC UTILITIES TO PERMIT BROADBAND PROVIDERS USE OF THE ELECTRIC DELIVERY SYSTEM TO PROVIDE BROADBAND SERVICES, TO REGULATE EASEMENTS, TO ALLOW CERTAIN ENTITIES TO CONSTRUCT FIBER-OPTIC INFRASTRUCTURE ON PUBLIC UTILITIES' EXISTING RIGHTS-OF-WAY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 77-3-2, Mississippi Code of 1972, is amended as follows:

77-3-2. (1) The Legislature finds and determines that the rates, services and operations of public utilities as defined in this title are affected with the public interest and that the availability of an adequate and reliable service by such public utilities to the people, economy and government of the State of

Mississippi is a matter of public policy. The Legislature hereby declares to be the policy of the State of Mississippi:

(a) To provide fair regulation of public utilities in the interest of the public;

(b) To promote the inherent advantage of regulated public utilities;

(c) To promote adequate, reliable and economical service to all citizens and residents of the state;

(d) To provide just and reasonable rates and charges for public utility services without unjust discrimination, undue preferences or advantages, or unfair or destructive competitive practices and consistent with long-term management and conservation of energy resources by avoiding wasteful, uneconomic and inefficient uses of energy;

(e) To encourage and promote harmony between public utilities, their users and the environment;

(f) To foster the continued service of public utilities on a well-planned and coordinated basis that is consistent with the level of service needed for the protection of public health and safety and for the promotion of the general welfare;

(g) To cooperate with other states and the federal government in promoting and coordinating interstate and intrastate public utility service and reliability;

(h) To encourage the continued study and research for new and innovative rate-making procedures which will protect the

state, the public, the ratepayers and the utilities, and where possible reduce the costs of the rate-making process; and

(i) With respect to rate-regulated public utilities, to foster, encourage, enable and facilitate economic development in the State of Mississippi, * * * to support and augment economic development activities, * * * to expand deployment of existing and emerging technologies, including fiber-optic infrastructure which will foster a more reliable and resilient utility delivery system and provide customer access to enhanced services, to authorize and empower the Public Service Commission * * * in carrying out its statutory responsibilities, and to take every opportunity to advance the economic development of the state.

(2) To these ends, therefore, authority shall be vested in the Mississippi Public Service Commission to regulate public utilities in accordance with the provisions of this title.

(3) (a) The commission shall, in addition to its other powers and duties, be authorized and empowered, in its discretion, to consider and adopt a formula type rate of return evaluation rate which may include provision for the commission to:

(i) Periodically review and adjust, if required, the utility's level of revenues based upon the actual books and records of the utility which are periodically the subject of independent audits and regulatory audits;

(ii) Review the utility's performance in certain areas or categories which may be used by the commission in the

manner selected by it which may include rate incentives or penalties so long as such are found to be fair and reasonable and result in a level of revenue which is fair and reasonable; and

(iii) Use such other provisions which may be permitted by this chapter.

(b) When a formula type rate of return evaluation rate with periodic revenue adjustments is adopted by the commission, each periodic revenue adjustment will be separately considered for the purpose of determining whether a hearing is required pursuant to Section 77-3-39(1), and no such hearing shall be required if the amount of any separate periodic adjustment to the level of revenues of the utility is not a "major change" as defined in Section 77-3-37(8).

(c) In administering any such formula type rate of return evaluation rate, the following procedures shall be observed by the commission:

(i) Each periodic evaluation shall be supported with a sworn filing by the utility incorporating the data specified in the formula rate adopted by the commission, and such data shall be verified by the commission; and

(ii) A hearing shall be required, as provided by law, to determine compliance with the formula rate plan and the accuracy of the data prior to any change in the level of revenues if the cumulative change in any calendar year exceeds the greater

of Two Hundred Thousand Dollars ($200,000.00) or four percent (4%) of the annual revenues of the utility.

(d) The requirements of paragraphs (a), (b) and (c) of this subsection and other applicable provisions of Title 77, Chapter 3, Article 1, Mississippi Code of 1972, which are observed by the commission in administering such rate, are hereby declared to be procedural but are not required to be included in the rate itself.

(4) It is the intention of the Legislature to validate, retroactively to its initial adoption by the commission, any formula type rate, including any revenue adjustments effected pursuant thereto, which has heretofore been adopted by the commission. For the purposes of the retroactive validation and the administration of any formula type rate heretofore adopted by the commission, should the provisions of Title 77, Chapter 3, Article 1, Mississippi Code of 1972, conflict with any provisions of such formula type rate, Title 77, Chapter 3, Article 1, Mississippi Code of 1972, shall be interpreted to prevail and the formula type rate shall hereafter be administered or revised to conform to Title 77, Chapter 3, Article 1, Mississippi Code of 1972; provided, however, such conflict, if any, shall not be held to invalidate the retroactive effect of this section upon such rate.

SECTION 2. Section 77-3-3, Mississippi Code of 1972, is amended as follows:

77-3-3. As used in this chapter:

(a) The term "corporation" includes a private or public corporation, a municipality, an association, a joint-stock association or a business trust.

(b) The term "person" includes a natural person, a partnership of two (2) or more persons having a joint or common interest, a cooperative, nonprofit, limited dividend or mutual association, a corporation, or any other legal entity.

(c) The term "municipality" includes any incorporated city, town or village.

(d) The term "public utility" includes persons and corporations, or their lessees, trustees and receivers now or hereafter owning or operating in this state equipment or facilities for:

(i) The generation, manufacture, transmission or distribution of electricity to or for the public for compensation;

(ii) The transmission, sale, sale for resale, or distribution of natural, artificial, or mixed natural and artificial gas to the public for compensation by means of transportation, transmission, or distribution facilities and equipment located within this state; however, the term shall not include the production and gathering of natural gas, the sale of natural gas in or within the vicinity of the field where produced, or the distribution or sale of liquefied petroleum gas or the sale

to the ultimate consumer of natural gas for use as a motor vehicle fuel;

(iii) The transmission, conveyance or reception of any message over wire, of writing, signs, signals, pictures and sounds of all kinds by or for the public, where such service is offered to the public for compensation, and the furnishing, or the furnishing and maintenance, of equipment or facilities to the public, for compensation, for use as a private communications system or part thereof; however, no person or corporation not otherwise a public utility within the meaning of this chapter shall be deemed such solely because of engaging in this state in the furnishing, for private use as last aforementioned, and moreover, nothing in this chapter shall be construed to apply to television stations, radio stations, community television antenna services, video services, Voice over Internet Protocol services ("VoIP"), any wireless services, including commercial mobile services, Internet Protocol ("IP") - enabled services or broadband services; and

(iv) The transmission, distribution, sale or resale of water to the public for compensation, or the collection, transmission, treatment or disposal of sewage, or otherwise operating a sewage disposal service, to or for the public for compensation.

The term "public utility" shall not include any person not otherwise a public utility, who furnishes the services or

commodity described in this paragraph only to himself, his employees or tenants as an incident of such employee service or tenancy, if such services are not sold or resold to such tenants or employees on a metered or consumption basis other than the submetering authorized under Section 77-3-97.

A public utility's business other than of the character defined in subparagraphs (i) through (iv) of this paragraph is not subject to the provisions of this chapter.

(e) The term "rate" means and includes every compensation, charge, fare, toll, customer deposit, rental and classification, or the formula or method by which such may be determined, or any of them, demanded, observed, charged or collected by any public utility for any service, product or commodity described in this section, offered by it to the public, and any rules, regulations, practices or contracts relating to any such compensation, charge, fare, toll, rental or classification; however, the term "rate" shall not include charges for electrical current furnished, delivered or sold by one (1) public utility to another for resale.

(f) The word "commission" shall refer to the Public Service Commission of the State of Mississippi, as now existing, unless otherwise indicated.

(g) The term "affiliated interest" or "affiliate" includes:

(i) Any person or corporation owning or holding, directly or indirectly, twenty-five percent (25%) or more of the voting securities of a public utility;

(ii) Any person or corporation in any chain of successive ownership of twenty-five percent (25%) or more of the voting securities of a public utility;

(iii) Any corporation of which fifteen percent (15%) or more of the voting securities is owned or controlled, directly or indirectly, by a public utility;

(iv) Any corporation of which twenty-five percent (25%) or more of the voting securities * * * is owned or controlled, directly or indirectly, by any person or corporation that owns or controls, directly or indirectly, twenty-five percent (25%) or more of the voting securities of any public utility or by any person or corporation in any chain of successive ownership of twenty-five percent (25%) of such securities;

(v) Any person who is an officer or director of a public utility or of any corporation in any chain of successive ownership of fifteen percent (15%) or more of voting securities of a public utility; or

(vi) Any person or corporation that the commission, after notice and hearing, determines actually exercises any substantial influence or control over the policies and actions of a public utility, or over which a public utility exercises such control, or that is under a common control with a

public utility, such control being the possession, directly or indirectly, of the power to direct or cause the discretion of the management and policies of another, whether such power is established through ownership of voting securities or by any other direct or indirect means.

However, the term "affiliated interest" or "affiliate" shall not include a joint agency organized pursuant to Section 77-5-701 et seq., nor a member municipality thereof.

(h) The term "facilities" includes all the plant and equipment of a public utility, used or useful in furnishing public utility service, including all real and personal property without limitation, and any and all means and instrumentalities in any manner owned, operated, leased, licensed, used, controlled, furnished or supplied for, by or in connection with its public utility business.

(i) The term "cost of service" includes operating expenses, taxes, depreciation, net revenue and operating revenue requirement at a claimed rate of return from public utility operations.

(j) The term "lead-lag study" includes an analysis to determine the amount of capital which investors in a public utility, the rates of which are subject to regulation under the provisions of this chapter, must provide to meet the day-to-day operating costs of the public utility prior to the time such costs are recovered from customers, and the measurement of (i) the lag

in collecting from the customer the cost of providing service, and (ii) the lag in paying the cost of providing service by the public utility.

(k) The term "broadband services" means any service that consists of or includes a high-speed access capability to transmit at a rate that is not less than two hundred (200) kilobits per second either in the upstream or downstream direction and either:

(i) Is used to provide access to the internet, or

(ii) Provides computer processing, information storage, information content or protocol conversion, including any service applications or information service provided over such high-speed access service.

(l) The term "video services" means video programming services without regard to delivery technology, including Internet Protocol technology ("Internet Protocol television or IPTV") and video programming provided as a part of a service that enables users to access content, information, email or other services offered over the public internet. The term "video programming" means any programming as defined in 47 USCS Section 522(20).

(m) The term "Voice over Internet Protocol services" or "VoIP services" means any service that: (i) enables real-time, two-way voice communications that originate from or terminate to the user's location in Internet Protocol or any successor protocol; (ii) uses a broadband connection from the user's

location; and (iii) permits users generally to receive calls that originate on the Public Switched Telephone Network and to terminate calls to the Public Switched Telephone Network.

(n) The term "commercial mobile services" means any services as defined in 47 USCS Section 332(d).

(o) The term "Internet Protocol-enabled services" or "IP-enabled services" means any service, capability, functionality, or application provided using Internet Protocol, or any successor protocol, that enables an end user to send or receive a communication in Internet Protocol format, or any successor format, regardless of whether the communications is voice, data or video. Nothing contained in this paragraph shall apply to retail services that are tariffed by the commission.

(p) "Broadband service provider" means an entity that provides broadband services to others on a wholesale basis or to end-use customers on a retail basis.

(q) "Broadband operator" means a broadband service provider that uses the electric delivery system of any public utility of the type as defined in paragraph (d)(i) of this section with the public utility's consent to provide broadband services.

(r) "Electric delivery system" means the poles, lines, fiber, cables, broadband system, materials, equipment, easements and other facilities or properties used by any public utility of the type as defined in paragraph (d)(i) of this section to deliver or facilitate the delivery, sale or use of electric energy.

SECTION 3. Section 77-3-44, Mississippi Code of 1972, is amended as follows:

77-3-44. (1) Any rate-regulated electric or natural gas public utility with certificated service area in Mississippi may undertake economic development activities, whether directly or indirectly, including activities such as providing capital, or investment in or acquisition and development of business or industrial sites and the necessary infrastructure or services needed to attract new or existing businesses or industry, to create or maintain employment opportunities, or expansion of fiber-optic infrastructure or otherwise to positively impact or in some manner promote the sale of electric energy or natural gas within its certificated service area. Any facilities developed, constructed or acquired in support of the activities described in this section, including fiber-optic infrastructure for which a certificate of public convenience and necessity or other commission approval has been granted after July 1, 2015, as well as any capital investment in natural gas reserves made directly or indirectly by an electric or natural gas public utility to foster long-term stability in the cost of fuel, may be deemed used and useful in the provision of electric or natural gas service regardless of whether or not any end-use customers are taking service from said facilities or investment and otherwise recoverable through the utility's rates.

(2) (a) In addition, to further expand fiber-optic infrastructure in the state, any rate-regulated public utility of the type as defined in Section 77-3-3(d)(i) may grant permission to broadband service providers to use the electric delivery system, including without limitation the fiber-optic infrastructure, of the public utility to provide broadband services or other similar services as defined in Section 77-3-3(k) through (o). To the extent a rate-regulated electric public utility grants permission to any broadband service provider to use any part of the utility's electric delivery system, including without limitation its fiber-optic infrastructure, it must grant such permission on a nonexclusive basis.

(b) The public utility shall not: (i) allow the use of its electric delivery system by a broadband operator to provide broadband services as defined above to diminish the reliability of the electric delivery system; (ii) require any person to purchase broadband services as a condition of receiving or continuing to receive electric service; or (iii) disconnect, or threaten to disconnect, electric service to any customer due to the customer's failure to pay for broadband services. Any complaint related to a public utility's permissive offer of use pursuant to this paragraph (b) shall be brought before and resolved by the Public Service Commission.

(c) In addition, to further expand fiber-optic infrastructure and economic development in the state, any public

utility, including electric cooperatives, of the type as defined in Section 77-3-3(d)(i) may grant permission to a retail customer with a nonaggregated load greater than twenty (20) megawatts to construct, install, or maintain above or underground fiber-optic infrastructure on the public utility's existing right-of-way of its electric delivery system.

(d) In instances where a landowner has previously been compensated for the use of his land through a right-of-way instrument with a public utility, the use of the public utility's electric delivery system for the provision of broadband services to a broadband operator or use of the public utility's existing right-of-way on its electric delivery system by a retail customer to construct, install, or maintain above or underground fiber-optic infrastructure shall not be considered an additional burden on the real property upon which the public utility's electric delivery system is located and shall not require the public utility, the broadband operator or retail customer to obtain the consent of anyone having an interest in the real property upon which the public utility's electric delivery system is located.

(e) If a portion of a public utility's electric delivery system is used by a broadband operator for the provision of broadband services or a portion of a public utility's right-of-way is used by a retail customer to construct, install, or maintain above or underground fiber-optic infrastructure and

the landowner of the real property on which such portion is located believes his property has been damaged by such use, the landowner may petition the circuit court of the county in which the property is situated for any damages to which the landowner may be entitled under this subsection:

(i) The petition allowed and damages recoverable under this subsection shall be the landowner's exclusive remedy, and the landowner shall not be entitled to assert any other theory, claims or causes of action nor recover any other damages, punitive damages, costs, attorneys' fees, or other relief.

(ii) The recoverable damages, if any, shall be recoverable only from the broadband operator or retail customer and not from the public utility.

(iii) The damages recoverable shall be an amount equal to the difference between 1. the fair market value of the landowner's interest in the real property immediately before the public utility's electric delivery system on the owner's property was first used by the broadband operator or retail customer for the provision of broadband services, and 2. the fair market value of the landowner's interest in the real property immediately after the public utility's electric delivery system on the landowner's property was first used by the broadband operator or retail customer for the provision of broadband services. The before-and-after values must be established by the testimony of a qualified real estate appraiser. The damages, if any, shall be

fixed and shall not be deemed to continue, accumulate, or accrue. The court shall, as part of its judgment, confirm the rights granted by the public utility to the broadband operator or retail customer and their respective successors and assigns for the placement or use of a broadband system on or as part of the electric delivery system. The judgment will have the same effect of a conveyance executed in due form of law and shall run with the land; and a certified copy of said judgment may be filed by the broadband operator retail customer in the land records of the county in which the subject property is located.

(iv) Evidence of past, current or future revenues or profits derived or to be derived by a broadband operator or retail customer from providing broadband services is not admissible for any purpose in any such proceeding.

(v) The landowner shall not be entitled to any damages or other relief relating to any broadband system or portion thereof that is located on the landowner's property or any fiber-optic infrastructure by the retail customer that is located on the landowner's property and is used or could be used by the electric public utility for its own operations.

(vi) The landowner shall not be entitled to any relief or damages if an easement has been granted to the broadband operator or retail customer, if the landowner has authorized the public utility to use or allow others to use its electric delivery system for the provision of broadband services, or if the

landowner has authorized the public utility to use its existing right-of-way to construct, install, or maintain above or underground fiber-optic infrastructure.

(f) Nothing in this section shall affect, abrogate, or eliminate in any way any obligation of a rate-regulated, public utility or broadband operator to comply with any applicable safety and permitting requirements of any railroad company or any state governmental body or agency with respect to property that is held or controlled by such railroad company or state governmental body or agency, as the case may be, and in, on, over, or across which an easement is located.

(g) All costs paid by a rate-regulated public utility to acquire right-of-way shall be considered cost of service and recovered through rates, and all revenue collected by a rate-regulated public utility from third-party use of public utility right-of-way shall be credited back to customers in a comparable manner.

The Public Service Commission shall establish a mechanism for electric utility revenues deriving from the provision of competitive broadband services such that electric service customers receive an annual credit, adjusted annually, for any wholesale revenues derived from fiber-optic infrastructure.

SECTION 4. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

Senate Bill 2799

Description: Mississippi Medicaid Program; make technical amendments to reimbursements and administration.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Medicaid
2	02/01	(S) Title Suff Do Pass Comm Sub
3	02/09	(S) Committee Substitute Adopted
4	02/09	(S) Amendment Failed
5	02/09	(S) Passed {Vote}
6	02/10	(S) Transmitted To House
7	02/25	(H) Referred To Medicaid
8	03/02	(H) Title Suff Do Pass As Amended
9	03/08	(H) Read the Third Time
10	03/10	(H) Amended
11	03/10	(H) Passed As Amended {Vote}
12	03/11	(H) Motion to Reconsider Entered (Hood, Deweese)
13	03/12	(H) Died On Calendar
14	03/18	Suspend from Deadlines by SCR535
15	03/18	(H) Motion to Reconsider Tabled
16	03/18	(H) Returned For Concurrence
17	03/19	(S) Decline to Concur/Invite Conf
18	03/19	(S) Conferees Named Blackwell,Wiggins,Bryan
19	03/22	(H) Conferees Named Hood,White,Mims
20	03/30	(S) Conference Report Filed
21	03/30	(H) Conference Report Filed
22	03/30	(S) Conference Report Adopted {Vote}
23	03/30	(S) Immediate Release
24	03/30	(H) Motion to Recommit Lost
25	03/30	(H) Conference Report Adopted {Vote}
26	03/31	(S) Enrolled Bill Signed
27	03/31	(H) Enrolled Bill Signed

28 04/20 Law W/out Governor's Signature

Amendments:

[S] Amendment No 1 (Cmte Sub)Lost{Vote}
[S] Amendment No 2 (Cmte Sub)Lost{Vote}
[H] Committee Amendment No 1 ***Adopted***
[H] Amendment No 1 to Amendment No 1 ***Adopted***
[H] Amendment No 2 to Amendment No 1 ***Adopted***
Amendment Report for Senate Bill No. 2799

Conference Reports:
| Conference Report

Code Section: A 043-0013-0117, A 043-0013-0145, A 041-0075-0005

----- Additional Information -----

Senate Committee: Medicaid
House Committee: Medicaid

Principal Author: Blackwell

Title: AN ACT RELATING TO THE MISSISSIPPI MEDICAID PROGRAM; TO AMEND SECTION 43-13-117, MISSISSIPPI CODE OF 1972, RELATING TO REIMBURSEMENT FOR CARE AND SERVICES UNDER THE MEDICAID PROGRAM; TO DELETE CERTAIN OUTDATED PROVISIONS RELATING TO REIMBURSEMENT OF INPATIENT HOSPITAL SERVICES; TO PROVIDE FOR REIMBURSEMENT FOR FEES FOR PHYSICIAN SERVICES COVERED ONLY BY MEDICAID; TO AUTHORIZE THE DIVISION TO REIMBURSE OBSTETRICIANS AND GYNECOLOGISTS FOR CERTAIN PRIMARY CARE SERVICES AT 100% OF THE MEDICARE RATE; TO DELETE THE PROVISION THAT REQUIRES THE DIVISION TO ALLOW PHYSICIAN-ADMINISTERED DRUGS TO BE BILLED AND REIMBURSED AS A MEDICAL CLAIM OR PHARMACY POINT-OF-SALE; TO PROVIDE FOR A REIMBURSEMENT RATE INCREASE TO DENTAL PREVENTION SERVICES; TO DEFINE CLINIC SERVICES FOR PURPOSES OF THE REIMBURSEMENTS BY MEDICAID FOR THOSE SERVICES; TO DELETE AUTHORITY FOR ADULT DAY CARE REIMBURSEMENT; TO PROVIDE THAT MEDICAID MAY ESTABLISH AN UPPER PAYMENT LIMITS PROGRAM FOR AMBULANCE TRANSPORTATION AND ASSESS PROVIDERS OF SUCH SERVICE; TO AUTHORIZE CERTAIN SUPPLEMENTAL REIMBURSEMENTS TO PROVIDERS SUBJECT TO CMS APPROVAL AND TO REQUIRE CONSULTATION WITH THE HOSPITAL INDUSTRY; TO REQUIRE THE DIVISION OF MEDICAID TO RECOGNIZE FEDERALLY QUALIFIED HEALTH CENTERS (FQHC), RURAL HEALTH CLINICS (RHC) AND COMMUNITY MENTAL HEALTH CENTERS (CMHC) AS BOTH AN ORIGINATING AND DISTANT SITE PROVIDER FOR THE PURPOSES OF TELEHEALTH REIMBURSEMENT; TO AUTHORIZE REIMBURSEMENT FOR CERTAIN PSYCHIATRIC SERVICES; TO CLARIFY THE REIMBURSEMENT OF PEDIATRIC SKILLED NURSING SERVICES, INPATIENT PSYCHIATRIST SERVICES AND NONEMERGENCY TRANSPORTATION SERVICES; TO PROVIDE THAT THE DIVISION MAY ESTABLISH COPAYMENTS

AND COINSURANCE FOR ANY MEDICAID SERVICES; TO ALLOW THE DIVISION TO USE ENHANCED REIMBURSEMENTS AND UPPER PAYMENT LIMIT PROGRAMS FOR ITS REIMBURSEMENT PROGRAM; TO PROVIDE THAT THE VACCINES FOR CHILDREN ARE AVAILABLE FREE OF CHARGE; TO DELETE THE PROVISION THAT REQUIRES MEDICAID TO REDUCE THE RATE OF REIMBURSEMENT TO CERTAIN PROVIDERS FOR SERVICES BY 5% OF THE ALLOWED AMOUNT FOR THAT SERVICE; TO REQUIRE PROVIDERS TO MAINTAIN RECORDS AS (a) PRESCRIBED BY THE DIVISION AND IN ACCORDANCE WITH FEDERAL LAW; TO DELETE CERTAIN ENROLLMENT LIMITATIONS AND PROVISIONS RELATING TO MANAGED CARE PROGRAMS; TO ALLOW THE DIVISION OF MEDICAID TO APPROVE THE USE OF ALTERNATIVE PAYMENT MODELS FOR REIMBURSEMENT RATES FOR MANAGED CARE PROGRAMS; TO CLARIFY LIMITATIONS ON MEDICAID ELIGIBILITY FOR ENROLLMENT IN MANAGED CARE PROGRAMS; TO DELETE THE PROVISIONS THAT PROVIDE FOR THE COMMISSION ON EXPANDING MEDICAID MANAGED CARE; TO REQUIRE CONTRACTORS RECEIVING PAYMENTS UNDER A MANAGED CARE DELIVERY SYSTEM TO DISCLOSE TO THE CHAIRMEN OF THE SENATE AND HOUSE MEDICAID COMMITTEES THE ADMINISTRATIVE EXPENSES FOR THE PRIOR YEAR, AND THE NUMBER OF EMPLOYEES IN MISSISSIPPI WHO ARE DEDICATED TO MEDICAID AND CHIP LINES OF BUSINESS AS OF JUNE 30 OF EACH YEAR; TO PROVIDE FOR REVIEWS OF THE MANAGED CARE PROGRAMS BY THE STATE AUDITOR; TO REQUIRE ALL MANAGED CARE CONTRACTORS TO DEVELOP AND IMPLEMENT, NOT LATER THAN DECEMBER 1, 2021, A UNIFORM CREDENTIALING PROCESS UNDER WHICH ALL PROVIDERS WHO MEET THE CRITERIA FOR CREDENTIALING WILL BE CREDENTIALED WITH ALL CONTRACTORS; TO PROVIDE THAT IF THE CONTRACTORS HAVE NOT IMPLEMENTED A UNIFORM CREDENTIALING PROCESS BY THAT DATE, THE DIVISION SHALL DEVELOP AND IMPLEMENT, NOT LATER THAN JULY 1, 2022, A SINGLE, CONSOLIDATED CREDENTIALING PROCESS BY WHICH ALL PROVIDERS WILL BE CREDENTIALED; TO DELETE THE PROVISION THAT THERE SHALL NOT BE CUTS TO INPATIENT AND OUTPATIENT HOSPITAL PAYMENTS; TO DIRECT THE DIVISION TO EVALUATE THE FEASIBILITY OF ADMINISTERING PHARMACY BENEFITS AND DENTAL BENEFITS UNDER MANAGED CARE; TO DIRECT MANAGED CARE CONTRACTORS TO IMPLEMENT INNOVATIVE PROGRAMS FOR MEMBERS WITH PREDIABETES AND DIABETES; TO AUTHORIZE THE DIVISION TO NEGOTIATE A LIMITATION ON LIABILITY TO THE STATE OF CERTAIN PROSPECTIVE CONTRACTORS; TO AUTHORIZE MANAGED CARE CONTRACTORS TO IMPROVE UTILIZATION OF LONG-ACTING REVERSABLE CONTRACEPTIVES (LARCS); TO AUTHORIZE THE DIVISION TO MAKE ONE MANAGED CARE CONTRACT EXTENSION; TO PROHIBIT THE DIVISION FROM MAKING CERTAIN CHANGES TO THE SERVICES AUTHORIZED UNDER THIS SECTION WITHOUT AN AMENDMENT TO THIS SECTION BY THE LEGISLATURE; TO EXTEND THE AUTOMATIC REPEALER ON THIS SECTION; TO AMEND SECTION 43-13-145, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT NURSING FACILITIES OPERATED BY

THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER ARE NOT EXEMPT FROM THE ANNUAL ASSESSMENT FOR THE SUPPORT OF THE MEDICAID PROGRAM, TO DELETE CERTAIN TECHNICAL PROVISIONS RELATING TO THE ASSESSMENT AND COLLECTION OF THE HOSPITAL ASSESSMENT, TO CLARIFY THE PROCEDURE FOR PAYMENT OF THE HOSPITAL ASSESSMENT FOR THE NONFEDERAL SHARE NECESSARY FOR THE MEDICARE UPPER PAYMENT LIMITS (UPL) PROGRAM AND THE DISPROPORTIONATE SHARE HOSPITAL (DSH) PROGRAM; TO EXTEND THE AUTOMATIC REPEALER ON THIS SECTION; TO AMEND SECTION 41-75-5, MISSISSIPPI CODE OF 1972, TO DELETE THE RESTRICTION ON POST-ACUTE RESIDENTIAL BRAIN INJURY REHABILITATION FACILITIES PARTICIPATION IN THE MEDICAID PROGRAM; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2799

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Blackwell To: Medicaid

SENATE BILL NO. 2799
(As Sent to Governor)

AN ACT RELATING TO THE MISSISSIPPI MEDICAID PROGRAM; TO AMEND SECTION 43-13-117, MISSISSIPPI CODE OF 1972, RELATING TO REIMBURSEMENT FOR CARE AND SERVICES UNDER THE MEDICAID PROGRAM; TO DELETE CERTAIN OUTDATED PROVISIONS RELATING TO REIMBURSEMENT OF INPATIENT HOSPITAL SERVICES; TO PROVIDE FOR REIMBURSEMENT FOR FEES FOR PHYSICIAN SERVICES COVERED ONLY BY MEDICAID; TO AUTHORIZE THE DIVISION TO REIMBURSE OBSTETRICIANS AND GYNECOLOGISTS FOR CERTAIN PRIMARY CARE SERVICES AT 100% OF THE MEDICARE RATE; TO DELETE THE PROVISION THAT REQUIRES THE DIVISION TO ALLOW PHYSICIAN-ADMINISTERED DRUGS TO BE BILLED AND REIMBURSED AS A MEDICAL CLAIM OR PHARMACY POINT-OF-SALE; TO PROVIDE FOR A REIMBURSEMENT RATE INCREASE TO DENTAL PREVENTION SERVICES; TO DEFINE CLINIC SERVICES FOR PURPOSES OF THE REIMBURSEMENTS BY MEDICAID FOR THOSE SERVICES; TO DELETE AUTHORITY FOR ADULT DAY CARE REIMBURSEMENT; TO PROVIDE THAT MEDICAID MAY ESTABLISH AN UPPER PAYMENT LIMITS PROGRAM FOR AMBULANCE TRANSPORTATION AND ASSESS PROVIDERS OF SUCH SERVICE; TO AUTHORIZE CERTAIN SUPPLEMENTAL REIMBURSEMENTS TO PROVIDERS SUBJECT TO CMS APPROVAL AND TO REQUIRE CONSULTATION WITH THE HOSPITAL INDUSTRY; TO REQUIRE THE DIVISION OF MEDICAID TO RECOGNIZE FEDERALLY QUALIFIED HEALTH CENTERS (FQHC), RURAL HEALTH CLINICS (RHC) AND COMMUNITY MENTAL HEALTH CENTERS (CMHC) AS BOTH AN ORIGINATING AND DISTANT SITE PROVIDER FOR THE PURPOSES OF TELEHEALTH REIMBURSEMENT; TO AUTHORIZE REIMBURSEMENT FOR CERTAIN PSYCHIATRIC SERVICES; TO CLARIFY THE REIMBURSEMENT OF PEDIATRIC SKILLED NURSING SERVICES, INPATIENT PSYCHIATRIST SERVICES AND NONEMERGENCY TRANSPORTATION SERVICES; TO PROVIDE THAT THE DIVISION MAY ESTABLISH COPAYMENTS AND COINSURANCE FOR ANY MEDICAID SERVICES; TO ALLOW THE DIVISION TO USE ENHANCED REIMBURSEMENTS AND UPPER PAYMENT LIMIT PROGRAMS FOR ITS REIMBURSEMENT PROGRAM; TO PROVIDE THAT THE VACCINES FOR CHILDREN ARE AVAILABLE FREE OF CHARGE; TO DELETE THE PROVISION THAT REQUIRES MEDICAID TO REDUCE THE RATE OF REIMBURSEMENT TO CERTAIN PROVIDERS FOR SERVICES BY 5% OF THE ALLOWED AMOUNT FOR THAT SERVICE; TO REQUIRE PROVIDERS TO MAINTAIN RECORDS AS (a)

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-13-117, Mississippi Code of 1972, is amended as follows:

43-13-117. (A) Medicaid as authorized by this article shall include payment of part or all of the costs, at the discretion of the division, with approval of the Governor and the Centers for Medicare and Medicaid Services, of the following types of care and services rendered to eligible applicants who have been determined to be eligible for that care and services, within the limits of state appropriations and federal matching funds:

(1) Inpatient hospital services.

* * *

(* * *a) The division is authorized to implement an All Patient Refined Diagnosis Related Groups (APR-DRG) reimbursement methodology for inpatient hospital services.

(* * *b) No service benefits or reimbursement limitations in this subsection (A)(1) shall apply to payments under an APR-DRG or Ambulatory Payment Classification (APC) model or a managed care program or similar model described in subsection (H) of this section unless specifically authorized by the division.

(2) Outpatient hospital services.

(a) Emergency services.

(b) Other outpatient hospital services. The division shall allow benefits for other medically necessary outpatient hospital services (such as chemotherapy, radiation,

surgery and therapy), including outpatient services in a clinic or other facility that is not located inside the hospital, but that has been designated as an outpatient facility by the hospital, and that was in operation or under construction on July 1, 2009, provided that the costs and charges associated with the operation of the hospital clinic are included in the hospital's cost report. In addition, the Medicare thirty-five-mile rule will apply to those hospital clinics not located inside the hospital that are constructed after July 1, 2009. Where the same services are reimbursed as clinic services, the division may revise the rate or methodology of outpatient reimbursement to maintain consistency, efficiency, economy and quality of care.

(c) The division is authorized to implement an Ambulatory Payment Classification (APC) methodology for outpatient hospital services. The division * * * shall give rural hospitals that have fifty (50) or fewer licensed beds the option to not be reimbursed for outpatient hospital services using the APC methodology, but reimbursement for outpatient hospital services provided by those hospitals shall be based on one hundred one percent (101%) of the rate established under Medicare for outpatient hospital services. Those hospitals choosing to not be reimbursed under the APC methodology shall remain under cost-based reimbursement for a two-year period.

(d) No service benefits or reimbursement limitations in this subsection (A)(2) shall apply to payments

under an APR-DRG or APC model or a managed care program or similar model described in subsection (H) of this section unless specifically authorized by the division.

(3) Laboratory and x-ray services.

(4) Nursing facility services.

(a) The division shall make full payment to nursing facilities for each day, not exceeding forty-two (42) days per year, that a patient is absent from the facility on home leave. Payment may be made for the following home leave days in addition to the forty-two-day limitation: Christmas, the day before Christmas, the day after Christmas, Thanksgiving, the day before Thanksgiving and the day after Thanksgiving.

(b) From and after July 1, 1997, the division shall implement the integrated case-mix payment and quality monitoring system, which includes the fair rental system for property costs and in which recapture of depreciation is eliminated. The division may reduce the payment for hospital leave and therapeutic home leave days to the lower of the case-mix category as computed for the resident on leave using the assessment being utilized for payment at that point in time, or a case-mix score of 1.000 for nursing facilities, and shall compute case-mix scores of residents so that only services provided at the nursing facility are considered in calculating a facility's per diem.

(c) From and after July 1, 1997, all state-owned nursing facilities shall be reimbursed on a full reasonable cost basis.

(d) On or after January 1, 2015, the division shall update the case-mix payment system resource utilization grouper and classifications and fair rental reimbursement system. The division shall develop and implement a payment add-on to reimburse nursing facilities for ventilator-dependent resident services.

(e) The division shall develop and implement, not later than January 1, 2001, a case-mix payment add-on determined by time studies and other valid statistical data that will reimburse a nursing facility for the additional cost of caring for a resident who has a diagnosis of Alzheimer's or other related dementia and exhibits symptoms that require special care. Any such case-mix add-on payment shall be supported by a determination of additional cost. The division shall also develop and implement as part of the fair rental reimbursement system for nursing facility beds, an Alzheimer's resident bed depreciation enhanced reimbursement system that will provide an incentive to encourage nursing facilities to convert or construct beds for residents with Alzheimer's or other related dementia.

(f) The division shall develop and implement an assessment process for long-term care services. The division may

provide the assessment and related functions directly or through contract with the area agencies on aging.

The division shall apply for necessary federal waivers to assure that additional services providing alternatives to nursing facility care are made available to applicants for nursing facility care.

(5) Periodic screening and diagnostic services for individuals under age twenty-one (21) years as are needed to identify physical and mental defects and to provide health care treatment and other measures designed to correct or ameliorate defects and physical and mental illness and conditions discovered by the screening services, regardless of whether these services are included in the state plan. The division may include in its periodic screening and diagnostic program those discretionary services authorized under the federal regulations adopted to implement Title XIX of the federal Social Security Act, as amended. The division, in obtaining physical therapy services, occupational therapy services, and services for individuals with speech, hearing and language disorders, may enter into a cooperative agreement with the State Department of Education for the provision of those services to handicapped students by public school districts using state funds that are provided from the appropriation to the Department of Education to obtain federal matching funds through the division. The division, in obtaining medical and mental health assessments, treatment, care and

services for children who are in, or at risk of being put in, the custody of the Mississippi Department of Human Services may enter into a cooperative agreement with the Mississippi Department of Human Services for the provision of those services using state funds that are provided from the appropriation to the Department of Human Services to obtain federal matching funds through the division.

(6) Physician * * * services. * * * Fees for physician's services that are covered only by Medicaid shall be * * * reimbursed at ninety percent (90%) of the rate established on January 1, 2018, and as may be adjusted each July thereafter, under Medicare. The division may provide for a reimbursement rate for physician's services of up to one hundred percent (100%) of the rate established under Medicare for physician's services that are provided after the normal working hours of the physician, as determined in accordance with regulations of the division. The division may reimburse eligible providers, as determined by the * * * division, for certain primary care services * * * at one hundred percent (100%) of the rate established under Medicare. * * * The division shall reimburse obstetricians and gynecologists for certain primary care services as defined by the division at one hundred percent (100%) of the rate established under Medicare.

(7) (a) Home health services for eligible persons, not to exceed in cost the prevailing cost of nursing facility

services. All home health visits must be precertified as required by the division. In addition to physicians, certified registered nurse practitioners, physician assists and clinical nurse specialists are authorized to prescribe or order home health services and plans of care, sign home health plans of care, certify and recertify eligibility for home health services and conduct the required initial face-to-face visit with the recipient of the services.

(b) [Repealed]

(8) Emergency medical transportation services as determined by the division.

(9) Prescription drugs and other covered drugs and services as * * * determined by the division.

The division shall establish a mandatory preferred drug list. Drugs not on the mandatory preferred drug list shall be made available by utilizing prior authorization procedures established by the division.

The division may seek to establish relationships with other states in order to lower acquisition costs of prescription drugs to include single-source and innovator multiple-source drugs or generic drugs. In addition, if allowed by federal law or regulation, the division may seek to establish relationships with and negotiate with other countries to facilitate the acquisition of prescription drugs to include single-source and innovator

multiple-source drugs or generic drugs, if that will lower the acquisition costs of those prescription drugs.

The division may allow for a combination of prescriptions for single-source and innovator multiple-source drugs and generic drugs to meet the needs of the beneficiaries.

The executive director may approve specific maintenance drugs for beneficiaries with certain medical conditions, which may be prescribed and dispensed in three-month supply increments.

Drugs prescribed for a resident of a psychiatric residential treatment facility must be provided in true unit doses when available. The division may require that drugs not covered by Medicare Part D for a resident of a long-term care facility be provided in true unit doses when available. Those drugs that were originally billed to the division but are not used by a resident in any of those facilities shall be returned to the billing pharmacy for credit to the division, in accordance with the guidelines of the State Board of Pharmacy and any requirements of federal law and regulation. Drugs shall be dispensed to a recipient and only one (1) dispensing fee per month may be charged. The division shall develop a methodology for reimbursing for restocked drugs, which shall include a restock fee as determined by the division not exceeding Seven Dollars and Eighty-two Cents ($7.82).

Except for those specific maintenance drugs approved by the executive director, the division shall not reimburse for any

portion of a prescription that exceeds a thirty-one-day supply of the drug based on the daily dosage.

The division is authorized to develop and implement a program of payment for additional pharmacist services as * * * determined by the division.

All claims for drugs for dually eligible Medicare/Medicaid beneficiaries that are paid for by Medicare must be submitted to Medicare for payment before they may be processed by the division's online payment system.

The division shall develop a pharmacy policy in which drugs in tamper-resistant packaging that are prescribed for a resident of a nursing facility but are not dispensed to the resident shall be returned to the pharmacy and not billed to Medicaid, in accordance with guidelines of the State Board of Pharmacy.

The division shall develop and implement a method or methods by which the division will provide on a regular basis to Medicaid providers who are authorized to prescribe drugs, information about the costs to the Medicaid program of single-source drugs and innovator multiple-source drugs, and information about other drugs that may be prescribed as alternatives to those single-source drugs and innovator multiple-source drugs and the costs to the Medicaid program of those alternative drugs.

Notwithstanding any law or regulation, information obtained or maintained by the division regarding the prescription drug program, including trade secrets and manufacturer or labeler

pricing, is confidential and not subject to disclosure except to other state agencies.

The dispensing fee for each new or refill prescription, including nonlegend or over-the-counter drugs covered by the division, shall be not less than Three Dollars and Ninety-one Cents ($3.91), as determined by the division.

The division shall not reimburse for single-source or innovator multiple-source drugs if there are equally effective generic equivalents available and if the generic equivalents are the least expensive.

It is the intent of the Legislature that the pharmacists providers be reimbursed for the reasonable costs of filling and dispensing prescriptions for Medicaid beneficiaries.

The division * * * shall allow certain drugs, including physician-administered drugs, and implantable drug system devices, and medical supplies, with limited distribution or limited access for beneficiaries and administered in an appropriate clinical setting, to be reimbursed as either a medical claim or pharmacy claim, as determined by the division.

* * *

It is the intent of the Legislature that the division and any managed care entity described in subsection (H) of this section encourage the use of Alpha-Hydroxyprogesterone Caproate (17P) to prevent recurrent preterm birth.

(10) Dental and orthodontic services to be determined by the division.

The division shall increase the amount of the reimbursement rate for diagnostic and preventative dental services for each of the fiscal years 2022, 2023 and 2024 by five percent (5%) above the amount of the reimbursement rate for the previous fiscal year. It is the intent of the Legislature that the reimbursement rate revision for preventative dental services will be an incentive to increase the number of dentists who actively provide Medicaid services. This dental services * * * reimbursement rate revision shall be known as the "James Russell Dumas Medicaid Dental Services Incentive Program."

The Medical Care Advisory Committee, assisted by the Division of Medicaid, shall annually determine the effect of this incentive by evaluating the number of dentists who are Medicaid providers, the number who and the degree to which they are actively billing Medicaid, the geographic trends of where dentists are offering what types of Medicaid services and other statistics pertinent to the goals of this legislative intent. This data shall annually be presented to the Chair of the Senate Medicaid Committee and the Chair of the House Medicaid Committee.

The division shall include dental services as a necessary component of overall health services provided to children who are eligible for services.

(11) Eyeglasses for all Medicaid beneficiaries who have (a) had surgery on the eyeball or ocular muscle that results in a vision change for which eyeglasses or a change in eyeglasses is medically indicated within six (6) months of the surgery and is in accordance with policies established by the division, or (b) one (1) pair every five (5) years and in accordance with policies established by the division. In either instance, the eyeglasses must be prescribed by a physician skilled in diseases of the eye or an optometrist, whichever the beneficiary may select.

(12) Intermediate care facility services.

(a) The division shall make full payment to all intermediate care facilities for individuals with intellectual disabilities for each day, not exceeding sixty-three (63) days per year, that a patient is absent from the facility on home leave. Payment may be made for the following home leave days in addition to the sixty-three-day limitation: Christmas, the day before Christmas, the day after Christmas, Thanksgiving, the day before Thanksgiving and the day after Thanksgiving.

(b) All state-owned intermediate care facilities for individuals with intellectual disabilities shall be reimbursed on a full reasonable cost basis.

(c) Effective January 1, 2015, the division shall update the fair rental reimbursement system for intermediate care facilities for individuals with intellectual disabilities.

(13) Family planning services, including drugs, supplies and devices, when those services are under the supervision of a physician or nurse practitioner.

(14) Clinic services. * * * Preventive, diagnostic, therapeutic, rehabilitative or palliative services that are furnished by a facility that is not part of a hospital but is organized and operated to provide medical care to outpatients. Clinic services include, but are not limited to:

(a) Services provided by ambulatory surgical centers (ACSs) as defined in Section 41-75-1(a); and

(b) Dialysis center services.

(15) Home- and community-based services for the elderly and disabled, as provided under Title XIX of the federal Social Security Act, as amended, under waivers, subject to the availability of funds specifically appropriated for that purpose by the Legislature.

* * *

(16) Mental health services. Certain services provided by a psychiatrist shall be reimbursed at up to one hundred percent (100%) of the Medicare rate. Approved therapeutic and case management services (a) provided by an approved regional mental health/intellectual disability center established under Sections 41-19-31 through 41-19-39, or by another community mental health service provider meeting the requirements of the Department of Mental Health to be an approved mental health/intellectual

disability center if determined necessary by the Department of Mental Health, using state funds that are provided in the appropriation to the division to match federal funds, or (b) provided by a facility that is certified by the State Department of Mental Health to provide therapeutic and case management services, to be reimbursed on a fee for service basis, or (c) provided in the community by a facility or program operated by the Department of Mental Health. Any such services provided by a facility described in subparagraph (b) must have the prior approval of the division to be reimbursable under this section.

(17) Durable medical equipment services and medical supplies. Precertification of durable medical equipment and medical supplies must be obtained as required by the division. The Division of Medicaid may require durable medical equipment providers to obtain a surety bond in the amount and to the specifications as established by the Balanced Budget Act of 1997.

(18) (a) Notwithstanding any other provision of this section to the contrary, as provided in the Medicaid state plan amendment or amendments as defined in Section 43-13-145(10), the division shall make additional reimbursement to hospitals that serve a disproportionate share of low-income patients and that meet the federal requirements for those payments as provided in Section 1923 of the federal Social Security Act and any applicable regulations. It is the intent of the Legislature that the division shall draw down all available federal funds allotted to

the state for disproportionate share hospitals. However, from and after January 1, 1999, public hospitals participating in the Medicaid disproportionate share program may be required to participate in an intergovernmental transfer program as provided in Section 1903 of the federal Social Security Act and any applicable regulations.

(b) (i) The division may establish a Medicare Upper Payment Limits Program, as defined in Section 1902(a)(30) of the federal Social Security Act and any applicable federal regulations, or an allowable delivery system or provider payment initiative authorized under 42 CFR 438.6(c), for hospitals, * * * nursing facilities, * * * physicians employed or contracted by * * * hospitals, and emergency ambulance transportation providers. * * *

(ii) The division shall assess each hospital * * *, * * * nursing facility, and emergency ambulance transportation provider for the sole purpose of financing the state portion of the Medicare Upper Payment Limits Program or other program(s) authorized under this subsection (A)(18)(b). The hospital assessment shall be as provided in Section 43-13-145(4)(a), and the nursing facility * * * and the emergency ambulance transportation assessments, if established, shall be based on Medicaid utilization or other appropriate method, as determined by the division, consistent with federal regulations. The assessments will remain in effect as long as the state

participates in the Medicare Upper Payment Limits Program or other program(s) authorized under this subsection (A)(18)(b). * * * In addition to the hospital assessment provided in Section 43-13-145(4)(a), hospitals with physicians participating in the Medicare Upper Payment Limits Program or other program(s) authorized under this subsection (A)(18)(b) shall be required to participate in an intergovernmental transfer * * * or assessment, as determined by the division, for the purpose of financing the state portion of the physician UPL payments or other payment(s) authorized under this subsection (A)(18)(b).

* * *(iii) Subject to approval by the Centers for Medicare and Medicaid Services (CMS) and the provisions of this subsection (A)(18)(b), the division shall make additional reimbursement to hospitals * * *, * * * nursing facilities, and emergency ambulance transportation providers for the Medicare Upper Payment Limits Program or other program(s) authorized under this subsection (A)(18)(b), and, if the program is established for physicians, shall make additional reimbursement for physicians, as defined in Section 1902(a)(30) of the federal Social Security Act and any applicable federal regulations, provided the assessment in this subsection (A)(18)(b) is in effect.

(iv) Notwithstanding any other provision of this article to the contrary, effective upon implementation of the Mississippi Hospital Access Program (MHAP) provided in

subparagraph (c)(i) below, the hospital portion of the inpatient Upper Payment Limits Program shall transition into and be replaced by the MHAP program. However, the division is authorized to develop and implement an alternative fee-for-service Upper Payment Limits model in accordance with federal laws and regulations if necessary to preserve supplemental funding. Further, the division, in consultation with the * * * hospital industry shall develop alternative models for distribution of medical claims and supplemental payments for inpatient and outpatient hospital services, and such models may include, but shall not be limited to the following: increasing rates for inpatient and outpatient services; creating a low-income utilization pool of funds to reimburse hospitals for the costs of uncompensated care, charity care and bad debts as permitted and approved pursuant to federal regulations and the Centers for Medicare and Medicaid Services; supplemental payments based upon Medicaid utilization, quality, service lines and/or costs of providing such services to Medicaid beneficiaries and to uninsured patients. The goals of such payment models shall be to ensure access to inpatient and outpatient care and to maximize any federal funds that are available to reimburse hospitals for services provided. Any such documents required to achieve the goals described in this paragraph shall be submitted to the Centers for Medicare and Medicaid Services, with a proposed effective date of July 1, 2019, to the extent possible, but in no event shall the effective date

of such payment models be later than July 1, 2020. The Chairmen of the Senate and House Medicaid Committees shall be provided a copy of the proposed payment model(s) prior to submission. Effective July 1, 2018, and until such time as any payment model(s) as described above become effective, the division, in consultation with the * * * hospital industry, is authorized to implement a transitional program for inpatient and outpatient payments and/or supplemental payments (including, but not limited to, MHAP and directed payments), to redistribute available supplemental funds among hospital providers, provided that when compared to a hospital's prior year supplemental payments, supplemental payments made pursuant to any such transitional program shall not result in a decrease of more than five percent (5%) and shall not increase by more than the amount needed to maximize the distribution of the available funds.

(c) (i) Not later than December 1, 2015, the division shall, subject to approval by the Centers for Medicare and Medicaid Services (CMS), establish, implement and operate a Mississippi Hospital Access Program (MHAP) for the purpose of protecting patient access to hospital care through hospital inpatient reimbursement programs provided in this section designed to maintain total hospital reimbursement for inpatient services rendered by in-state hospitals and the out-of-state hospital that is authorized by federal law to submit intergovernmental transfers (IGTs) to the State of Mississippi and is classified as Level I

trauma center located in a county contiguous to the state line at the maximum levels permissible under applicable federal statutes and regulations, at which time the current inpatient Medicare Upper Payment Limits (UPL) Program for hospital inpatient services shall transition to the MHAP.

(ii) Subject * * * to approval by the Centers for Medicare and Medicaid Services (CMS) * * *, the MHAP shall provide increased inpatient capitation (PMPM) payments to managed care entities contracting with the division pursuant to subsection (H) of this section to support availability of hospital services or such other payments permissible under federal law necessary to accomplish the intent of this subsection.

(iii) The intent of this subparagraph (c) is that effective for all inpatient hospital Medicaid services during state fiscal year 2016, and so long as this provision shall remain in effect hereafter, the division shall to the fullest extent feasible replace the additional reimbursement for hospital inpatient services under the inpatient Medicare Upper Payment Limits (UPL) Program with additional reimbursement under the MHAP and other payment programs for inpatient and/or outpatient payments which may be developed under the authority of this paragraph.

(iv) The division shall assess each hospital as provided in Section 43-13-145(4)(a) for the purpose of financing the state portion of the MHAP, supplemental payments and

such other purposes as specified in Section 43-13-145. The assessment will remain in effect as long as the MHAP and supplemental payments are in effect.

(19) (a) Perinatal risk management services. The division shall promulgate regulations to be effective from and after October 1, 1988, to establish a comprehensive perinatal system for risk assessment of all pregnant and infant Medicaid recipients and for management, education and follow-up for those who are determined to be at risk. Services to be performed include case management, nutrition assessment/counseling, psychosocial assessment/counseling and health education. The division shall contract with the State Department of Health to provide * * * services within this paragraph (Perinatal High Risk Management/Infant Services System (PHRM/ISS)). The State Department of Health * * * shall be reimbursed on a full reasonable cost basis for services provided under this subparagraph (a).

(b) Early intervention system services. The division shall cooperate with the State Department of Health, acting as lead agency, in the development and implementation of a statewide system of delivery of early intervention services, under Part C of the Individuals with Disabilities Education Act (IDEA). The State Department of Health shall certify annually in writing to the executive director of the division the dollar amount of state early intervention funds available that will be utilized as

a certified match for Medicaid matching funds. Those funds then shall be used to provide expanded targeted case management services for Medicaid eligible children with special needs who are eligible for the state's early intervention system. Qualifications for persons providing service coordination shall be determined by the State Department of Health and the Division of Medicaid.

(20) Home- and community-based services for physically disabled approved services as allowed by a waiver from the United States Department of Health and Human Services for home- and community-based services for physically disabled people using state funds that are provided from the appropriation to the State Department of Rehabilitation Services and used to match federal funds under a cooperative agreement between the division and the department, provided that funds for these services are specifically appropriated to the Department of Rehabilitation Services.

(21) Nurse practitioner services. Services furnished by a registered nurse who is licensed and certified by the Mississippi Board of Nursing as a nurse practitioner, including, but not limited to, nurse anesthetists, nurse midwives, family nurse practitioners, family planning nurse practitioners, pediatric nurse practitioners, obstetrics-gynecology nurse practitioners and neonatal nurse practitioners, under regulations adopted by the division. Reimbursement for those services shall

not exceed ninety percent (90%) of the reimbursement rate for comparable services rendered by a physician. The division may provide for a reimbursement rate for nurse practitioner services of up to one hundred percent (100%) of the reimbursement rate for comparable services rendered by a physician for nurse practitioner services that are provided after the normal working hours of the nurse practitioner, as determined in accordance with regulations of the division.

(22) Ambulatory services delivered in federally qualified health centers, rural health centers and clinics of the local health departments of the State Department of Health for individuals eligible for Medicaid under this article based on reasonable costs as determined by the division. Federally qualified health centers shall be reimbursed by the Medicaid prospective payment system as approved by the Centers for Medicare and Medicaid Services. The division shall recognize federally qualified health centers (FQHCs), rural health clinics (RHCs)) and community mental health centers (CMHCs) as both an originating and distant site provider for the purposes of telehealth reimbursement. The division is further authorized and directed to reimburse FQHCs, RHCs and CMHCs for both distant site and originating site services when such services are appropriately provided by the same organization.

(23) Inpatient psychiatric services.

(a) Inpatient psychiatric services to be determined by the division for recipients under age twenty-one (21) that are provided under the direction of a physician in an inpatient program in a licensed acute care psychiatric facility or in a licensed psychiatric residential treatment facility, before the recipient reaches age twenty-one (21) or, if the recipient was receiving the services immediately before he or she reached age twenty-one (21), before the earlier of the date he or she no longer requires the services or the date he or she reaches age twenty-two (22), as provided by federal regulations. From and after January 1, 2015, the division shall update the fair rental reimbursement system for psychiatric residential treatment facilities. Precertification of inpatient days and residential treatment days must be obtained as required by the division. From and after July 1, 2009, all state-owned and state-operated facilities that provide inpatient psychiatric services to persons under age twenty-one (21) who are eligible for Medicaid reimbursement shall be reimbursed for those services on a full reasonable cost basis.

(b) The division may reimburse for services provided by a licensed freestanding psychiatric hospital to Medicaid recipients over the age of twenty-one (21) in a method and manner consistent with the provisions of Section 43-13-117.5.

(24) [Deleted]

(25) [Deleted]

(26) Hospice care. As used in this paragraph, the term "hospice care" means a coordinated program of active professional medical attention within the home and outpatient and inpatient care that treats the terminally ill patient and family as a unit, employing a medically directed interdisciplinary team. The program provides relief of severe pain or other physical symptoms and supportive care to meet the special needs arising out of physical, psychological, spiritual, social and economic stresses that are experienced during the final stages of illness and during dying and bereavement and meets the Medicare requirements for participation as a hospice as provided in federal regulations.

(27) Group health plan premiums and cost-sharing if it is cost-effective as defined by the United States Secretary of Health and Human Services.

(28) Other health insurance premiums that are cost-effective as defined by the United States Secretary of Health and Human Services. Medicare eligible must have Medicare Part B before other insurance premiums can be paid.

(29) The Division of Medicaid may apply for a waiver from the United States Department of Health and Human Services for home- and community-based services for developmentally disabled people using state funds that are provided from the appropriation to the State Department of Mental Health and/or funds transferred to the department by a political subdivision or instrumentality of the state and used to match federal funds under a cooperative

agreement between the division and the department, provided that funds for these services are specifically appropriated to the Department of Mental Health and/or transferred to the department by a political subdivision or instrumentality of the state.

(30) Pediatric skilled nursing services * * * as determined by the division and in a manner consistent with regulations promulgated by the Mississippi State Department of Health.

(31) Targeted case management services for children with special needs, under waivers from the United States Department of Health and Human Services, using state funds that are provided from the appropriation to the Mississippi Department of Human Services and used to match federal funds under a cooperative agreement between the division and the department.

(32) Care and services provided in Christian Science Sanatoria listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc., rendered in connection with treatment by prayer or spiritual means to the extent that those services are subject to reimbursement under Section 1903 of the federal Social Security Act.

(33) Podiatrist services.

(34) Assisted living services as provided through home- and community-based services under Title XIX of the federal Social Security Act, as amended, subject to the availability of

funds specifically appropriated for that purpose by the Legislature.

(35) Services and activities authorized in Sections 43-27-101 and 43-27-103, using state funds that are provided from the appropriation to the Mississippi Department of Human Services and used to match federal funds under a cooperative agreement between the division and the department.

(36) Nonemergency transportation services for Medicaid-eligible persons * * * as determined by the division. The PEER Committee shall conduct a performance evaluation of the nonemergency transportation program to evaluate the administration of the program and the providers of transportation services to determine the most cost-effective ways of providing nonemergency transportation services to the patients served under the program. The performance evaluation shall be completed and provided to the members of the Senate Medicaid Committee and the House Medicaid Committee not later than January 1, 2019, and every two (2) years thereafter.

(37) [Deleted]

(38) Chiropractic services. A chiropractor's manual manipulation of the spine to correct a subluxation, if x-ray demonstrates that a subluxation exists and if the subluxation has resulted in a neuromusculoskeletal condition for which manipulation is appropriate treatment, and related spinal x-rays performed to document these conditions. Reimbursement for

chiropractic services shall not exceed Seven Hundred Dollars ($700.00) per year per beneficiary.

(39) Dually eligible Medicare/Medicaid beneficiaries. The division shall pay the Medicare deductible and coinsurance amounts for services available under Medicare, as determined by the division. From and after July 1, 2009, the division shall reimburse crossover claims for inpatient hospital services and crossover claims covered under Medicare Part B in the same manner that was in effect on January 1, 2008, unless specifically authorized by the Legislature to change this method.

(40) [Deleted]

(41) Services provided by the State Department of Rehabilitation Services for the care and rehabilitation of persons with spinal cord injuries or traumatic brain injuries, as allowed under waivers from the United States Department of Health and Human Services, using up to seventy-five percent (75%) of the funds that are appropriated to the Department of Rehabilitation Services from the Spinal Cord and Head Injury Trust Fund established under Section 37-33-261 and used to match federal funds under a cooperative agreement between the division and the department.

(42) [Deleted]

(43) The division shall provide reimbursement, according to a payment schedule developed by the division, for smoking cessation medications for pregnant women during their

pregnancy and other Medicaid-eligible women who are of child-bearing age.

(44) Nursing facility services for the severely disabled.

(a) Severe disabilities include, but are not limited to, spinal cord injuries, closed-head injuries and ventilator-dependent patients.

(b) Those services must be provided in a long-term care nursing facility dedicated to the care and treatment of persons with severe disabilities.

(45) Physician assistant services. Services furnished by a physician assistant who is licensed by the State Board of Medical Licensure and is practicing with physician supervision under regulations adopted by the board, under regulations adopted by the division. Reimbursement for those services shall not exceed ninety percent (90%) of the reimbursement rate for comparable services rendered by a physician. The division may provide for a reimbursement rate for physician assistant services of up to one hundred percent (100%) or the reimbursement rate for comparable services rendered by a physician for physician assistant services that are provided after the normal working hours of the physician assistant, as determined in accordance with regulations of the division.

(46) The division shall make application to the federal Centers for Medicare and Medicaid Services (CMS) for a waiver to

develop and provide services for children with serious emotional disturbances as defined in Section 43-14-1(1), which may include home- and community-based services, case management services or managed care services through mental health providers certified by the Department of Mental Health. The division may implement and provide services under this waivered program only if funds for these services are specifically appropriated for this purpose by the Legislature, or if funds are voluntarily provided by affected agencies.

(47) (a) The division may develop and implement disease management programs for individuals with high-cost chronic diseases and conditions, including the use of grants, waivers, demonstrations or other projects as necessary.

(b) Participation in any disease management program implemented under this paragraph (47) is optional with the individual. An individual must affirmatively elect to participate in the disease management program in order to participate, and may elect to discontinue participation in the program at any time.

(48) Pediatric long-term acute care hospital services.

(a) Pediatric long-term acute care hospital services means services provided to eligible persons under twenty-one (21) years of age by a freestanding Medicare-certified hospital that has an average length of inpatient stay greater than twenty-five (25) days and that is primarily engaged in providing

chronic or long-term medical care to persons under twenty-one (21) years of age.

(b) The services under this paragraph (48) shall be reimbursed as a separate category of hospital services.

(49) The division * * * may establish copayments and/or coinsurance for * * * any Medicaid services for which copayments and/or coinsurance are allowable under federal law or regulation.

(50) Services provided by the State Department of Rehabilitation Services for the care and rehabilitation of persons who are deaf and blind, as allowed under waivers from the United States Department of Health and Human Services to provide home- and community-based services using state funds that are provided from the appropriation to the State Department of Rehabilitation Services or if funds are voluntarily provided by another agency.

(51) Upon determination of Medicaid eligibility and in association with annual redetermination of Medicaid eligibility, beneficiaries shall be encouraged to undertake a physical examination that will establish a base-line level of health and identification of a usual and customary source of care (a medical home) to aid utilization of disease management tools. This physical examination and utilization of these disease management tools shall be consistent with current United States Preventive Services Task Force or other recognized authority recommendations.

For persons who are determined ineligible for Medicaid, the division will provide information and direction for accessing medical care and services in the area of their residence.

(52) Notwithstanding any provisions of this article, the division may pay enhanced reimbursement fees related to trauma care, as determined by the division in conjunction with the State Department of Health, using funds appropriated to the State Department of Health for trauma care and services and used to match federal funds under a cooperative agreement between the division and the State Department of Health. The division, in conjunction with the State Department of Health, may use grants, waivers, demonstrations, enhanced reimbursements, Upper Payment Limits Programs, supplemental payments, or other projects as necessary in the development and implementation of this reimbursement program.

(53) Targeted case management services for high-cost beneficiaries may be developed by the division for all services under this section.

(54) [Deleted]

(55) Therapy services. The plan of care for therapy services may be developed to cover a period of treatment for up to six (6) months, but in no event shall the plan of care exceed a six-month period of treatment. The projected period of treatment must be indicated on the initial plan of care and must be updated with each subsequent revised plan of care. Based on medical

necessity, the division shall approve certification periods for less than or up to six (6) months, but in no event shall the certification period exceed the period of treatment indicated on the plan of care. The appeal process for any reduction in therapy services shall be consistent with the appeal process in federal regulations.

(56) Prescribed pediatric extended care centers services for medically dependent or technologically dependent children with complex medical conditions that require continual care as prescribed by the child's attending physician, as determined by the division.

(57) No Medicaid benefit shall restrict coverage for medically appropriate treatment prescribed by a physician and agreed to by a fully informed individual, or if the individual lacks legal capacity to consent by a person who has legal authority to consent on his or her behalf, based on an individual's diagnosis with a terminal condition. As used in this paragraph (57), "terminal condition" means any aggressive malignancy, chronic end-stage cardiovascular or cerebral vascular disease, or any other disease, illness or condition which a physician diagnoses as terminal.

(58) Treatment services for persons with opioid dependency or other highly addictive substance use disorders. The division is authorized to reimburse eligible providers for treatment of opioid dependency and other highly addictive

substance use disorders, as determined by the division. Treatment related to these conditions shall not count against any physician visit limit imposed under this section.

(59) The division shall allow beneficiaries between the ages of ten (10) and eighteen (18) years to receive vaccines through a pharmacy venue. The division and the State Department of Health shall coordinate and notify OB-GYN providers that the Vaccines for Children program is available to providers free of charge.

(B) * * * [Deleted]

(C) The division may pay to those providers who participate in and accept patient referrals from the division's emergency room redirection program a percentage, as determined by the division, of savings achieved according to the performance measures and reduction of costs required of that program. Federally qualified health centers may participate in the emergency room redirection program, and the division may pay those centers a percentage of any savings to the Medicaid program achieved by the centers' accepting patient referrals through the program, as provided in this subsection (C).

(D) * * * (1) Notwithstanding any provision of this article, except as authorized in subsection (E) of this section and in Section 43-13-139, (a) the limitations on the quantity or frequency of use of, or the fees or charges for, any of the care or services available to recipients under this section; and (b)

the payments or rates of reimbursement to providers rendering care or services authorized under this section to recipients shall not be increased, decreased or otherwise changed from the levels in effect on July 1, 2021, unless they are authorized by an amendment to this section by the Legislature.

(2) When any of the changes described in paragraph (1) of this subsection are authorized by an amendment to this section by the Legislature that is effective after July 1, 2021, the changes made in the later amendment shall not be further changed from the levels in effect on the effective date of the later amendment unless those changes are authorized by another amendment to this section by the Legislature.

(E) Notwithstanding any provision of this article, no new groups or categories of recipients and new types of care and services may be added without enabling legislation from the Mississippi Legislature, except that the division may authorize those changes without enabling legislation when the addition of recipients or services is ordered by a court of proper authority.

(F) The executive director shall keep the Governor advised on a timely basis of the funds available for expenditure and the projected expenditures. Notwithstanding any other provisions of this article, if current or projected expenditures of the division are reasonably anticipated to exceed the amount of funds appropriated to the division for any fiscal year, the Governor, after consultation with the executive director, shall take all

appropriate measures to reduce costs, which may include, but are not limited to:

(1) Reducing or discontinuing any or all services that are deemed to be optional under Title XIX of the Social Security Act;

(2) Reducing reimbursement rates for any or all service types;

(3) Imposing additional assessments on health care providers; or

(4) Any additional cost-containment measures deemed appropriate by the Governor.

To the extent allowed under federal law, any reduction to services or reimbursement rates under this subsection (F) shall be accompanied by a reduction, to the fullest allowable amount, to the profit margin and administrative fee portions of capitated payments to organizations described in paragraph (1) of this subsection (F).

Beginning in fiscal year 2010 and in fiscal years thereafter, when Medicaid expenditures are projected to exceed funds available for the fiscal year, the division shall submit the expected shortfall information to the PEER Committee not later than December 1 of the year in which the shortfall is projected to occur. PEER shall review the computations of the division and report its findings to the Legislative Budget Office not later than January 7 in any year.

(G) Notwithstanding any other provision of this article, it shall be the duty of each provider participating in the Medicaid program to keep and maintain books, documents and other records as prescribed by the Division of Medicaid in * * * accordance with federal laws and regulations.

(H) (1) Notwithstanding any other provision of this article, the division is authorized to implement (a) a managed care program, (b) a coordinated care program, (c) a coordinated care organization program, (d) a health maintenance organization program, (e) a patient-centered medical home program, (f) an accountable care organization program, (g) provider-sponsored health plan, or (h) any combination of the above programs. * * * As a condition for the approval of any program under this subsection (H)(1), the division shall require that no managed care program, coordinated care program, coordinated care organization program, health maintenance organization program, or provider-sponsored health plan may:

(a) Pay providers at a rate that is less than the Medicaid All Patient Refined Diagnosis Related Groups (APR-DRG) reimbursement rate;

(b) Override the medical decisions of hospital physicians or staff regarding patients admitted to a hospital for an emergency medical condition as defined by 42 US Code Section 1395dd. This restriction (b) does not prohibit the retrospective review of the appropriateness of the determination that an

emergency medical condition exists by chart review or coding algorithm, nor does it prohibit prior authorization for nonemergency hospital admissions;

(c) Pay providers at a rate that is less than the normal Medicaid reimbursement rate. It is the intent of the Legislature that all managed care entities described in this subsection (H), in collaboration with the division, develop and implement innovative payment models that incentivize improvements in health care quality, outcomes, or value, as determined by the division. Participation in the provider network of any managed care, coordinated care, provider-sponsored health plan, or similar contractor shall not be conditioned on the provider's agreement to accept such alternative payment models;

(d) Implement a prior authorization and utilization review program for medical services, transportation services and prescription drugs that is more stringent than the prior authorization processes used by the division in its administration of the Medicaid program. Not later than December 2, 2021, the contractors that are receiving capitated payments under a managed care delivery system established under this subsection (H) shall submit a report to the Chairmen of the House and Senate Medicaid Committees on the status of the prior authorization and utilization review program for medical services, transportation services and prescription drugs that is required to be implemented under this subparagraph (d);

(e) [Deleted]

(f) Implement a preferred drug list that is more stringent than the mandatory preferred drug list established by the division under subsection (A)(9) of this section;

(g) Implement a policy which denies beneficiaries with hemophilia access to the federally funded hemophilia treatment centers as part of the Medicaid Managed Care network of providers. * * *

Each health maintenance organization, coordinated care organization, provider-sponsored health plan, or other organization paid for services on a capitated basis by the division under any managed care program or coordinated care program implemented by the division under this section shall use a clear set of level of care guidelines in the determination of medical necessity and in all utilization management practices, including the prior authorization process, concurrent reviews, retrospective reviews and payments, that are consistent with widely accepted professional standards of care. Organizations participating in a managed care program or coordinated care program implemented by the division may not use any additional criteria that would result in denial of care that would be determined appropriate and, therefore, medically necessary under those levels of care guidelines.

(2) Notwithstanding any provision of this section, the recipients eligible for enrollment into a Medicaid Managed Care

Program authorized under this subsection (H) may include only those categories of recipients eligible for participation in the Medicaid Managed Care Program as of January 1, 2021, the Children's Health Insurance Program (CHIP), and the CMS-approved Section 1115 demonstration waivers in operation as of January 1, 2021. No expansion of Medicaid Managed Care Program contracts may be implemented by the division without enabling legislation from the Mississippi Legislature. * * *

* * *

(3) (a) Any contractors * * * receiving capitated payments under a managed care * * * delivery system established in this section shall provide to the Legislature and the division statistical data to be shared with provider groups in order to improve patient access, appropriate utilization, cost savings and health outcomes not later than October 1 of each year. Additionally, each contractor shall disclose to the Chairmen of the Senate and House Medicaid Committees the administrative expenses costs for the prior calendar year, and the number of full-equivalent employees located in the State of Mississippi dedicated to the Medicaid and CHIP lines of business as of June 30 of the current year.

(b) The division and the contractors participating in the managed care program, a coordinated care program or a provider-sponsored health plan shall be subject to annual program reviews or audits performed by the Office of the State Auditor,

the PEER Committee, the Department of Insurance and/or * * * independent third * * * parties.

(c) Those * * * reviews shall * * * include, but not be limited to, at least two (2) of the following items * * *:

(i) The financial benefit to the State of Mississippi of the managed care program,

(ii) The difference between the premiums paid to the managed care contractors and the payments made by those contractors to health care providers, * * *

(iii) Compliance with performance measures required under the contracts,

(iv) Administrative expense allocation methodologies,

(v) Whether nonprovider payments assigned as medical expenses are appropriate,

(vi) Capitated arrangements with related party subcontractors,

(vii) Reasonableness of corporate allocations,

(viii) Value-added benefits and the extent to which they are used,

(ix) The effectiveness of subcontractor oversight, including subcontractor review,

(x) Whether * * * health care outcomes * * * have been improved, and

(xi) The most common claim denial codes to determine the reasons for the denials.

* * * The audit reports shall be considered * * * public documents and shall be posted in * * * their entirety on the division's website.

(4) All health maintenance organizations, coordinated care organizations, provider-sponsored health plans, or other organizations paid for services on a capitated basis by the division under any managed care program or coordinated care program implemented by the division under this section shall reimburse all providers in those organizations at rates no lower than those provided under this section for beneficiaries who are not participating in those programs.

(5) No health maintenance organization, coordinated care organization, provider-sponsored health plan, or other organization paid for services on a capitated basis by the division under any managed care program or coordinated care program implemented by the division under this section shall require its providers or beneficiaries to use any pharmacy that ships, mails or delivers prescription drugs or legend drugs or devices.

(6) * * * (a) Not later than December 1, 2021, the contractors who are receiving capitated payments under a managed care delivery system established under this subsection (H) shall develop and implement a uniform credentialing process for

providers. Under that uniform credentialing process, a provider who meets the criteria for credentialing will be credentialed with all of those contractors and no such provider will have to be separately credentialed by any individual contractor in order to receive reimbursement from the contractor. Not later than December 2, 2021, those contractors shall submit a report to the Chairmen of the House and Senate Medicaid Committees on the status of the uniform credentialing process for providers that is required under this subparagraph (a).

(b) If those contractors have not implemented a uniform credentialing process as described in subparagraph (a) by December 1, 2021, the division shall develop and implement, not later than July 1, 2022, a single, consolidated credentialing process by which all providers will be credentialed. Under the division's single, consolidated credentialing process, no such contractor shall require its providers to be separately credentialed by the * * * contractor in order to receive reimbursement from the * * * contractor, but those * * * contractors shall recognize the credentialing of the providers by the division's credentialing process.

(c) The division shall require a uniform provider credentialing application that shall be used in the credentialing process that is established under subparagraph (a) or (b). If the contractor or division, as applicable, has not approved or denied the provider credentialing application within sixty (60) days of

receipt of the completed application that includes all required information necessary for credentialing, then the contractor or division, upon receipt of a written request from the applicant and within five (5) business days of its receipt, shall issue a temporary provider credential/enrollment to the applicant if the applicant has a valid Mississippi professional or occupational license to provide the health care services to which the credential/enrollment would apply. The contractor or the division shall not issue a temporary credential/enrollment if the applicant has reported on the application a history of medical or other professional or occupational malpractice claims, a history of substance abuse or mental health issues, a criminal record, or a history of medical or other licensing board, state or federal disciplinary action, including any suspension from participation in a federal or state program. The temporary credential/enrollment shall be effective upon issuance and shall remain in effect until the provider's credentialing/enrollment application is approved or denied by the contractor or division. The contractor or division shall render a final decision regarding credentialing/enrollment of the provider within sixty (60) days from the date that the temporary provider credential/enrollment is issued to the applicant.

(d) If the contractor or division does not render a final decision regarding credentialing/enrollment of the provider within the time required in subparagraph (c), the

provider shall be deemed to be credentialed by and enrolled with all of the contractors and eligible to receive reimbursement from the contractors.

(7) (a) Each contractor that is receiving capitated payments under a managed care delivery system established under this subsection (H) shall provide to each provider for whom the contractor has denied the coverage of a procedure that was ordered or requested by the provider for or on behalf of a patient, a letter that provides a detailed explanation of the reasons for the denial of coverage of the procedure and the name and the credentials of the person who denied the coverage. The letter shall be sent to the provider in electronic format.

(b) After a contractor that is receiving capitated payments under a managed care delivery system established under this subsection (H) has denied coverage for a claim submitted by a provider, the contractor shall issue to the provider within sixty (60) days a final ruling of denial of the claim that allows the provider to have a state fair hearing and/or agency appeal with the division. If a contractor does not issue a final ruling of denial within sixty (60) days as required by this subparagraph (b), the provider's claim shall be deemed to be automatically approved and the contractor shall pay the amount of the claim to the provider.

(c) After a contractor has issued a final ruling of denial of a claim submitted by a provider, the division shall

conduct a state fair hearing and/or agency appeal on the matter of the disputed claim between the contractor and the provider within sixty (60) days, and shall render a decision on the matter within thirty (30) days after the date of the hearing and/or appeal.

(8) It is the intention of the Legislature that the division evaluate the feasibility of using a single vendor to administer pharmacy benefits provided under a managed care delivery system established under this subsection (H). Providers of pharmacy benefits shall cooperate with the division in any transition to a carve-out of pharmacy benefits under managed care.

(9) It is the intention of the Legislature that the division evaluate the feasibility of using a single vendor to administer dental benefits provided under a managed care delivery system established in this subsection (H). Providers of dental benefits shall cooperate with the division in any transition to a carve-out of dental benefits under managed care.

(10) It is the intent of the Legislature that any contractor receiving capitated payments under a managed care delivery system established in this section shall implement innovative programs to improve the health and well-being of members diagnosed with prediabetes and diabetes.

(11) It is the intent of the Legislature that any contractors receiving capitated payments under a managed care delivery system established under this subsection (H) shall work with providers of Medicaid services to improve the utilization of

long-acting reversible contraceptives (LARCs). Not later than December 1, 2021, any contractors receiving capitated payments under a managed care delivery system established under this subsection (H) shall provide to the chairmen of the House and Senate Medicaid Committees and House and Senate Public Health Committees a report of LARC utilization for State Fiscal Years 2018 through 2020 as well as any programs, initiatives, or efforts made by the contractors and providers to increase LARC utilization. This report shall be updated annually to include information for subsequent state fiscal years.

(12) The division is authorized to make not more than one (1) emergency extension of the contracts that are in effect on the effective date of this act with contractors who are receiving capitated payments under a managed care delivery system established under this subsection (H), as provided in this paragraph (12). The maximum period of any such extension shall be one (1) year, and under any such extensions, the contractors shall be subject to all of the provisions of this subsection (H). The extended contracts shall be revised to incorporate any provisions of this subsection (H).

(I) [Deleted]

(J) There shall be no cuts in inpatient and outpatient hospital payments, or allowable days or volumes, as long as the hospital assessment provided in Section 43-13-145 is in effect. This subsection (J) shall not apply to decreases in payments that

are a result of: reduced hospital admissions, audits or payments under the APR-DRG or APC models, or a managed care program or similar model described in subsection (H) of this section.

(K) In the negotiation and execution of such contracts involving services performed by actuarial firms, the Executive Director of the Division of Medicaid may negotiate a limitation on liability to the state of prospective contractors.

(* * *L) This section shall stand repealed on July 1, * * * 2024.

SECTION 2. Section 43-13-145, Mississippi Code of 1972, is amended as follows:

43-13-145. (1) (a) Upon each nursing facility licensed by the State of Mississippi, there is levied an assessment in an amount set by the division, equal to the maximum rate allowed by federal law or regulation, for each licensed and occupied bed of the facility.

(b) A nursing facility is exempt from the assessment levied under this subsection if the facility is operated under the direction and control of:

(i) The United States Veterans Administration or other agency or department of the United States government; or

(ii) The State Veterans Affairs Board * * *.

* * *

(2) (a) Upon each intermediate care facility for individuals with intellectual disabilities licensed by the State

of Mississippi, there is levied an assessment in an amount set by the division, equal to the maximum rate allowed by federal law or regulation, for each licensed and occupied bed of the facility.

(b) An intermediate care facility for individuals with intellectual disabilities is exempt from the assessment levied under this subsection if the facility is operated under the direction and control of:

(i) The United States Veterans Administration or other agency or department of the United States government;

(ii) The State Veterans Affairs Board; or

(iii) The University of Mississippi Medical Center.

(3) (a) Upon each psychiatric residential treatment facility licensed by the State of Mississippi, there is levied an assessment in an amount set by the division, equal to the maximum rate allowed by federal law or regulation, for each licensed and occupied bed of the facility.

(b) A psychiatric residential treatment facility is exempt from the assessment levied under this subsection if the facility is operated under the direction and control of:

(i) The United States Veterans Administration or other agency or department of the United States government;

(ii) The University of Mississippi Medical Center; or

(iii) A state agency or a state facility that either provides its own state match through intergovernmental transfer or certification of funds to the division.

(4) Hospital assessment.

(a) (i) Subject to and upon fulfillment of the requirements and conditions of paragraph (f) below, and notwithstanding any other provisions of this section, * * * an annual assessment on each hospital licensed in the state is imposed on each non-Medicare hospital inpatient day as defined below at a rate that is determined by dividing the sum prescribed in this subparagraph (i), plus the nonfederal share necessary to maximize the Disproportionate Share Hospital (DSH) and Medicare Upper Payment Limits (UPL) Program payments and hospital access payments and such other supplemental payments as may be developed pursuant to Section 43-13-117(A)(18), by the total number of non-Medicare hospital inpatient days as defined below for all licensed Mississippi hospitals, except as provided in paragraph (d) below. If the state-matching funds percentage for the Mississippi Medicaid program is sixteen percent (16%) or less, the sum used in the formula under this subparagraph (i) shall be Seventy-four Million Dollars ($74,000,000.00). If the state-matching funds percentage for the Mississippi Medicaid program is twenty-four percent (24%) or higher, the sum used in the formula under this subparagraph (i) shall be One Hundred Four Million Dollars ($104,000,000.00). If the state-matching funds

percentage for the Mississippi Medicaid program is between sixteen percent (16%) and twenty-four percent (24%), the sum used in the formula under this subparagraph (i) shall be a pro rata amount determined as follows: the current state-matching funds percentage rate minus sixteen percent (16%) divided by eight percent (8%) multiplied by Thirty Million Dollars ($30,000,000.00) and add that amount to Seventy-four Million Dollars ($74,000,000.00). However, no assessment in a quarter under this subparagraph (i) may exceed the assessment in the previous quarter by more than Three Million Seven Hundred Fifty Thousand Dollars ($3,750,000.00) (which would be Fifteen Million Dollars ($15,000,000.00) on an annualized basis). The division shall publish the state-matching funds percentage rate applicable to the Mississippi Medicaid program on the tenth day of the first month of each quarter and the assessment determined under the formula prescribed above shall be applicable in the quarter following any adjustment in that state-matching funds percentage rate. The division shall notify each hospital licensed in the state as to any projected increases or decreases in the assessment determined under this subparagraph (i). However, if the Centers for Medicare and Medicaid Services (CMS) does not approve the provision in Section 43-13-117(39) requiring the division to reimburse crossover claims for inpatient hospital services and crossover claims covered under Medicare Part B for dually eligible beneficiaries in the same manner that was in effect on January 1,

2008, the sum that otherwise would have been used in the formula under this subparagraph (i) shall be reduced by Seven Million Dollars ($7,000,000.00).

(ii) In addition to the assessment provided under subparagraph (i), * * * an additional annual assessment on each hospital licensed in the state is imposed on each non-Medicare hospital inpatient day as defined below at a rate that is determined by dividing twenty-five percent (25%) of any provider reductions in the Medicaid program as authorized in Section 43-13-117(F) for that fiscal year up to the following maximum amount, plus the nonfederal share necessary to maximize the Disproportionate Share Hospital (DSH) and inpatient Medicare Upper Payment Limits (UPL) Program payments and inpatient hospital access payments, by the total number of non-Medicare hospital inpatient days as defined below for all licensed Mississippi hospitals: in fiscal year 2010, the maximum amount shall be Twenty-four Million Dollars ($24,000,000.00); in fiscal year 2011, the maximum amount shall be Thirty-two Million Dollars ($32,000,000.00); and in fiscal year 2012 and thereafter, the maximum amount shall be Forty Million Dollars ($40,000,000.00). Any such deficit in the Medicaid program shall be reviewed by the PEER Committee as provided in Section 43-13-117(F).

(iii) In addition to the assessments provided in subparagraphs (i) and (ii), * * * an additional annual assessment on each hospital licensed in the state is imposed pursuant to the

provisions of Section 43-13-117(F) if the cost-containment measures described therein have been implemented and there are insufficient funds in the Health Care Trust Fund to reconcile any remaining deficit in any fiscal year. If the Governor institutes any other additional cost-containment measures on any program or programs authorized under the Medicaid program pursuant to Section 43-13-117(F), hospitals shall be responsible for twenty-five percent (25%) of any such additional imposed provider cuts, which shall be in the form of an additional assessment not to exceed the twenty-five percent (25%) of provider expenditure reductions. Such additional assessment shall be imposed on each non-Medicare hospital inpatient day in the same manner as assessments are imposed under subparagraphs (i) and (ii).

(b) * * * Definitions.

(i) * * * [Deleted]

(ii) * * * For purposes of this subsection (4):

1. "Non-Medicare hospital inpatient day" means total hospital inpatient days including subcomponent days less Medicare inpatient days including subcomponent days from the hospital's most recent Medicare cost report for the second calendar year preceding the beginning of the state fiscal year, on file with CMS per the CMS HCRIS database, or cost report submitted to the Division if the HCRIS database is not available to the division, as of June 1 of each year.

a. Total hospital inpatient days shall be the sum of Worksheet S-3, Part 1, column 8 row 14, column 8 row 16, and column 8 row 17, excluding column 8 rows 5 and 6.

b. Hospital Medicare inpatient days shall be the sum of Worksheet S-3, Part 1, column 6 row 14, column 6 row 16.00, and column 6 row 17, excluding column 6 rows 5 and 6.

c. Inpatient days shall not include residential treatment or long-term care days.

2. "Subcomponent inpatient day" means the number of days of care charged to a beneficiary for inpatient hospital rehabilitation and psychiatric care services in units of full days. A day begins at midnight and ends twenty-four (24) hours later. A part of a day, including the day of admission and day on which a patient returns from leave of absence, counts as a full day. However, the day of discharge, death, or a day on which a patient begins a leave of absence is not counted as a day unless discharge or death occur on the day of admission. If admission and discharge or death occur on the same day, the day is considered a day of admission and counts as one (1) subcomponent inpatient day.

(c) The assessment provided in this subsection is intended to satisfy and not be in addition to the assessment and intergovernmental transfers provided in Section 43-13-117(A)(18). Nothing in this section shall be construed to authorize any state agency, division or department, or county, municipality or other

local governmental unit to license for revenue, levy or impose any other tax, fee or assessment upon hospitals in this state not authorized by a specific statute.

(d) Hospitals operated by the United States Department of Veterans Affairs and state-operated facilities that provide only inpatient and outpatient psychiatric services shall not be subject to the hospital assessment provided in this subsection.

(e) Multihospital systems, closure, merger, change of ownership and new hospitals.

(i) If a hospital conducts, operates or maintains more than one (1) hospital licensed by the State Department of Health, the provider shall pay the hospital assessment for each hospital separately.

(ii) Notwithstanding any other provision in this section, if a hospital subject to this assessment operates or conducts business only for a portion of a fiscal year, the assessment for the state fiscal year shall be adjusted by multiplying the assessment by a fraction, the numerator of which is the number of days in the year during which the hospital operates, and the denominator of which is three hundred sixty-five (365). Immediately upon ceasing to operate, the hospital shall pay the assessment for the year as so adjusted (to the extent not previously paid).

(iii) The division shall determine the tax for new hospitals and hospitals that undergo a change of ownership in

accordance with this section, using the best available information, as determined by the division.

(f) Applicability.

The hospital assessment imposed by this subsection shall not take effect and/or shall cease to be imposed if:

(i) The assessment is determined to be an impermissible tax under Title XIX of the Social Security Act; or

(ii) CMS revokes its approval of the division's 2009 Medicaid State Plan Amendment for the methodology for DSH payments to hospitals under Section 43-13-117(A)(18).

* * *

(5) Each health care facility that is subject to the provisions of this section shall keep and preserve such suitable books and records as may be necessary to determine the amount of assessment for which it is liable under this section. The books and records shall be kept and preserved for a period of not less than five (5) years, during which time those books and records shall be open for examination during business hours by the division, the Department of Revenue, the Office of the Attorney General and the State Department of Health.

(6) * * * [Deleted]

(7) All assessments collected under this section shall be deposited in the Medical Care Fund created by Section 43-13-143.

(8) The assessment levied under this section shall be in addition to any other assessments, taxes or fees levied by law,

and the assessment shall constitute a debt due the State of Mississippi from the time the assessment is due until it is paid.

(9) (a) If a health care facility that is liable for payment of an assessment levied by the division does not pay the assessment when it is due, the division shall give written notice to the health care facility * * * demanding payment of the assessment within ten (10) days from the date of delivery of the notice. If the health care facility fails or refuses to pay the assessment after receiving the notice and demand from the division, the division shall withhold from any Medicaid reimbursement payments that are due to the health care facility the amount of the unpaid assessment and a penalty of ten percent (10%) of the amount of the assessment, plus the legal rate of interest until the assessment is paid in full. If the health care facility does not participate in the Medicaid program, the division shall turn over to the Office of the Attorney General the collection of the unpaid assessment by civil action. In any such civil action, the Office of the Attorney General shall collect the amount of the unpaid assessment and a penalty of ten percent (10%) of the amount of the assessment, plus the legal rate of interest until the assessment is paid in full.

(b) As an additional or alternative method for collecting unpaid assessments levied by the division, if a health care facility fails or refuses to pay the assessment after receiving notice and demand from the division, the division may

file a notice of a tax lien with the chancery clerk of the county in which the health care facility is located, for the amount of the unpaid assessment and a penalty of ten percent (10%) of the amount of the assessment, plus the legal rate of interest until the assessment is paid in full. Immediately upon receipt of notice of the tax lien for the assessment, the chancery clerk shall forward the notice to the circuit clerk who shall enter the notice of the tax lien as a judgment upon the judgment roll and show in the appropriate columns the name of the health care facility as judgment debtor, the name of the division as judgment creditor, the amount of the unpaid assessment, and the date and time of enrollment. The judgment shall be valid as against mortgagees, pledgees, entrusters, purchasers, judgment creditors and other persons from the time of filing with the clerk. The amount of the judgment shall be a debt due the State of Mississippi and remain a lien upon the tangible property of the health care facility until the judgment is satisfied. The judgment shall be the equivalent of any enrolled judgment of a court of record and shall serve as authority for the issuance of writs of execution, writs of attachment or other remedial writs.

(10) (a) To further the provisions of Section 43-13-117(A)(18), the Division of Medicaid shall submit to the Centers for Medicare and Medicaid Services (CMS) any documents regarding the hospital assessment established under subsection (4) of this section. In addition to defining the assessment

established in subsection (4) of this section if necessary, the documents shall describe any supplement payment programs and/or payment methodologies as authorized in Section 43-13-117(A)(18) if necessary.

(b) All hospitals satisfying the minimum federal DSH eligibility requirements (Section 1923(d) of the Social Security Act) may, subject to OBRA 1993 payment limitations, receive a DSH payment. This DSH payment shall expend the balance of the federal DSH allotment and associated state share not utilized in DSH payments to state-owned institutions for treatment of mental diseases. The payment to each hospital shall be calculated by applying a uniform percentage to the uninsured costs of each eligible hospital, excluding state-owned institutions for treatment of mental diseases; however, that percentage for a state-owned teaching hospital located in Hinds County shall be multiplied by a factor of two (2).

(11) The division shall implement DSH and supplemental payment calculation methodologies that result in the maximization of available federal funds.

(12) The DSH payments shall be paid on or before December 31, March 31, and June 30 of each fiscal year, in increments of one-third (1/3) of the total calculated DSH amounts. Supplemental payments developed pursuant to Section 43-13-117(A)(18) shall be paid monthly.

(13) * * * Payment.

(a) The hospital assessment as described in subsection (4) for the nonfederal share necessary to maximize the Medicare Upper Payments Limits (UPL) Program payments and hospital access payments and such other supplemental payments as may be developed pursuant to Section 43-3-117(A)(18) shall be assessed and collected monthly no later than the fifteenth calendar day of each month.

(b) The hospital assessment as described in subsection (4) for the nonfederal share necessary to maximize the Disproportionate Share Hospital (DSH) payments shall be assessed and collected on December 15, March 15 and June 15.

(c) The annual hospital assessment and any additional hospital assessment as described in subsection (4) shall be assessed and collected on September 15 and on the 15th of each month from December through June.

(14) If for any reason any part of the plan for annual DSH and supplemental payment programs to hospitals provided under subsection (10) of this section and/or developed pursuant to Section 43-13-117(A)(18) is not approved by CMS, the remainder of the plan shall remain in full force and effect.

(15) Nothing in this section shall prevent the Division of Medicaid from facilitating participation in Medicaid supplemental hospital payment programs by a hospital located in a county contiguous to the State of Mississippi that is also authorized by federal law to submit intergovernmental transfers (IGTs) to the

State of Mississippi to fund the state share of the hospital's supplemental and/or MHAP payments.

(16) * * * This section shall stand repealed on July 1, 2024.

SECTION 3. Section 41-75-5, Mississippi Code of 1972, is amended as follows:

41-75-5. No person as defined in Section 41-7-173, acting severally or jointly with any other person, shall establish, conduct, operate or maintain an ambulatory surgical facility or an abortion facility or a freestanding emergency room or a post-acute residential brain injury rehabilitation facility in this state without a license under this chapter.

* * *

SECTION 4. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2807

Description: Alcoholic beverages; restore provision restricting areas in which manufacture, sale and distribution are authorized.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(S) Referred To Finance
2	02/01	(S) Title Suff Do Pass Comm Sub
3	02/04	(S) Committee Substitute Adopted
4	02/04	(S) Passed {Vote}
5	02/05	(S) Transmitted To House
6	02/24	(H) Referred To Ways and Means
7	03/02	(H) Title Suff Do Pass As Amended
8	03/08	(H) Read the Third Time
9	03/09	(H) Amended
10	03/09	(H) Passed As Amended {Vote}
11	03/10	(H) Returned For Concurrence
12	03/17	(S) Decline to Concur/Invite Conf
13	03/18	(S) Conferees Named Harkins,Jackson (32nd),Tate
14	03/23	(H) Conferees Named Lamar,Zuber,Powell
15	03/29	(S) Conference Report Filed
16	03/29	(H) Conference Report Filed
17	03/30	(H) Conference Report Adopted {Vote}
18	03/30	(S) Conference Report Adopted {Vote}
19	04/01	(S) Enrolled Bill Signed
20	04/01	(H) Enrolled Bill Signed
21	04/16	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2807

Conference Reports:
Conference Report

Code Section: A 067-0001-0007

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Jackson (32nd)

Title: AN ACT TO AMEND SECTION 67-1-7, MISSISSIPPI CODE OF 1972, TO RESTORE THE PROVISION OF LAW RESTRICTING THE AREAS IN WHICH THE MANUFACTURE, SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES ARE PERMISSIBLE AND LAWFUL TO INCORPORATED MUNICIPALITIES, QUALIFIED RESORT AREAS AND CLUBS; TO PROVIDE THAT ANY PERMITS ISSUED BY THE DEPARTMENT OF REVENUE BETWEEN JULY 1, 2020, AND THE DAY BEFORE THE EFFECTIVE DATE OF THIS ACT FOR THE MANUFACTURE, SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES, WHETHER OR NOT ISSUED TO PERMITTEES IN SUCH MUNICIPALITIES, QUALIFIED RESORT AREAS OR CLUBS, SHALL BE ELIGIBLE FOR RENEWAL ON OR AFTER JULY 1, 2021; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2807

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Jackson (32nd) To: Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2807

AN ACT TO AMEND SECTION 67-1-7, MISSISSIPPI CODE OF 1972, TO RESTORE THE PROVISION OF LAW RESTRICTING THE AREAS IN WHICH THE MANUFACTURE, SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES ARE PERMISSIBLE AND LAWFUL TO INCORPORATED MUNICIPALITIES, QUALIFIED RESORT AREAS AND CLUBS; TO PROVIDE THAT ANY PERMITS ISSUED BY THE DEPARTMENT OF REVENUE BETWEEN JULY 1, 2020, AND THE DAY BEFORE THE EFFECTIVE DATE OF THIS ACT FOR THE MANUFACTURE, SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES, WHETHER OR NOT ISSUED TO PERMITTEES IN SUCH MUNICIPALITIES, QUALIFIED RESORT AREAS OR CLUBS, SHALL BE ELIGIBLE FOR RENEWAL ON OR AFTER JULY 1, 2021; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 67-1-7, Mississippi Code of 1972, is amended as follows:

67-1-7. (1) Except as otherwise provided in Section 67-9-1 for the transportation and possession of limited amounts of alcoholic beverages for the use of an alcohol processing permittee, and subject to all of the provisions and restrictions contained in this chapter, the manufacture, sale, distribution, and transportation of alcoholic beverages shall be lawful, subject to the restrictions hereinafter imposed, in those counties and municipalities of this state in which, at a local option election

called and held for that purpose under the provisions of this chapter, a majority of the qualified electors voting in such election shall vote in favor thereof.

Beginning on the effective date of this act, except as otherwise provided in Section 67-1-51 for holders of a caterer's permit, the manufacture, sale and distribution of alcoholic beverages shall not be permissible or lawful in counties except in (a) incorporated municipalities located within such counties, (b) qualified resort areas within such counties approved as such by the department, or (c) clubs within such counties, whether within a municipality or not. However, any permits issued by the department between July 1, 2020, and the day before the effective date of this act for the manufacture, sale and distribution of alcoholic beverages, whether or not issued to permittees in such municipalities, qualified resort areas or clubs, shall be eligible for renewal on or after the effective date of this act.

The manufacture, sale, distribution and possession of native wines shall be lawful in any location within any such county except those locations where the manufacture, sale or distribution is prohibited by law other than this section or by regulations of the department.

(2) Notwithstanding the foregoing, within any state park or any state park facility that has been declared a qualified resort area by the department, and within any qualified resort area as defined under Section 67-1-5(o)(iii), an on-premises retailer's

permit may be issued for the qualified resort area, and the permittee may lawfully sell alcoholic beverages for consumption on his licensed premises regardless of whether or not the county or municipality in which the qualified resort area is located has voted in favor of coming out from under the dry law, and it shall be lawful to receive, store, sell, possess and consume alcoholic beverages on the licensed premises, and to sell, distribute and transport alcoholic beverages to the licensed premises. Moreover, the governing authorities of a municipality in which a qualified resort area defined under Section 67-1-5(o)(iii)5, 7 or 21 is located, the Pearl River Valley Water Supply District Board which governs the qualified resort area defined under Section 67-1-5(o)(iii)8.a.A, and the board of supervisors of the county in which the qualified resort area defined under Section 67-1-5(o)(iii)8.a.B and C is located, may, by ordinance or resolution, provide that package retailer's permits may be issued in the applicable qualified resort area, and that it shall be lawful to receive, store, sell, possess and distribute alcoholic beverages in accordance with such package retailer's permits.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

Senate Bill 2816

Description: Public officials and employees; allow Department of Revenue appraisers to receive same pay increases as county tax assessors.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Finance
2	01/28	(S) Title Suff Do Pass
3	02/04	(S) Passed {Vote}
4	02/05	(S) Transmitted To House
5	02/24	(H) Referred To Accountability, Efficiency, Transparency; Appropriations
6	03/01	(H) DR - TSDPAA: AC To AP
7	03/02	(H) DR - TSDPAA: AP To AC
8	03/02	(H) Title Suff Do Pass As Amended
9	03/09	(H) Amended
10	03/09	(H) Passed As Amended {Vote}
11	03/10	(H) Returned For Concurrence
12	03/17	(S) Decline to Concur/Invite Conf
13	03/18	(S) Conferees Named Harkins,Johnson,Whaley
14	03/23	(H) Conferees Named Boyd,Criswell,Hopkins
15	03/26	(S) Conference Report Filed
16	03/26	(H) Conference Report Filed
17	03/27	(H) Conference Report Adopted {Vote}
18	03/28	(S) Conference Report Adopted {Vote}
19	03/31	(S) Enrolled Bill Signed
20	03/31	(H) Enrolled Bill Signed
21	04/09	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2816

Conference Reports:
Conference Report

Code Section: A 027-0003-0051

----- Additional Information -----

Senate Committee: Finance
House Committee: Accountability, Efficiency, Transparency, Appropriations

Principal Author: Johnson

Title: AN ACT TO AMEND SECTION 27-3-51, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SAME PAY INCREASES FOR DEPARTMENT OF REVENUE APPRAISERS UPON ATTAINMENT OF CERTAIN STATE CERTIFICATIONS AS AUTHORIZED FOR COUNTY TAX ASSESSORS AND THEIR DEPUTIES AND ASSISTANTS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Johnson To: Finance

SENATE BILL NO. 2816

AN ACT TO AMEND SECTION 27-3-51, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SAME PAY INCREASES FOR DEPARTMENT OF REVENUE APPRAISERS UPON ATTAINMENT OF CERTAIN STATE CERTIFICATIONS AS AUTHORIZED FOR COUNTY TAX ASSESSORS AND THEIR DEPUTIES AND ASSISTANTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-3-51, Mississippi Code of 1972, is amended as follows:

27-3-51. (1) In order that the Commissioner of Revenue may be familiar with the character and values of the several classes of property within each of the several counties of the state and of the economic conditions therein, and throughout the state, the Commissioner of Revenue, or his designees, shall annually visit each of the several counties of the state. In the course of his visitation within each county, the Commissioner of Revenue, or his designees, shall perform the duties enumerated in Sections 27-3-39 and 27-3-53, and he shall investigate the work and methods adopted by the board of supervisors and county tax assessors and confer with such officers and other well-informed persons, ascertain

wherein existing laws are defective or improperly or negligently administered and shall be authorized to exercise the authority granted under Sections 27-1-21 and 27-1-23. However, any language in Section 27-1-21 and Section 27-1-23 relative to the actual assessing or appraising of property by the county or municipal tax assessor is not granted to the Commissioner of Revenue. He shall report the results of his investigation and the facts ascertained to the Governor, from time to time, when required by him, and to each session of the Legislature.

(2) The chancery clerk shall require that the current mailing address and current business or employment telephone number, if any, and current residential telephone number, if any, of each grantor and grantee be included on all deeds as a prerequisite for the deed to be filed for record after July 1, 1987. If the residential telephone number is unlisted, the grantor or grantee shall include on the deed a telephone number where he or she can be reached during business hours. If the grantee may receive mail at the address of the property transferred, then the address of the transferred property shall be the mailing address of the grantee for the purposes of this section. The information provided by the grantor and grantee shall be true and correct and complete to the best of his or her knowledge and belief under penalty of perjury under Section 97-9-61. The chancery clerk may refuse to accept delivery of any deed for filing that does not contain on the deed the information

required in this section. The fact that the information provided by the grantor or grantee may be incorrect, incomplete or false, however, shall not invalidate the deed or the filing thereof for record. The Commissioner of Revenue shall annually audit the deeds filed with the chancery clerk of each county and assess a penalty of One Hundred Dollars ($100.00) against the county for each deed filed in violation of this section, and the aggregate of such sum shall be withheld by the Commissioner of Revenue from the next installment of homestead exemption reimbursement due under Section 27-33-41.

(3) The Commissioner of Revenue or his designees are hereby authorized to verify sales data regarding the transfer of real property by obtaining such information from the grantor or grantee. The information provided by the grantor or grantee to the Commissioner of Revenue or his designee shall be true, correct and complete to the best of his or her knowledge and belief under penalty of perjury under Section 97-9-61. Any information obtained in this manner shall be shared with the county tax assessors and used only for the purpose of valuing property.

(4) The Commissioner of Revenue may request sales data of Class I and Class II property from the county tax assessors in order to develop sales ratios. If a county tax assessor fails to supply accurate information requested by the Commissioner of Revenue, the commissioner shall reject the county's tax roll. The avails of the one (1) mill levy as provided for in Section

27-39-329(2)(b) shall not be expended until the county complies with such request.

(5) When an appraiser employed by the Department of Revenue attends and successfully completes any part of the Mississippi Education and Certification Program and receives a certification, the Commissioner of Revenue is authorized to increase the salary of the appraiser in the amount authorized in Section 27-3-52 for completion of the same certification level by a county tax assessor and/or his deputies or assistants.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2825

Description: Transportation; revise provisions relating to motor carrier enforcement, harvest permits, and funding.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: ** See Text

History of Actions:

1	01/18	(S) Referred To Highways and Transportation
2	02/02	(S) Title Suff Do Pass Comm Sub
3	02/11	(S) Committee Substitute Adopted
4	02/11	(S) Amended
5	02/11	(S) Passed As Amended {Vote}
6	02/22	(S) Transmitted To House
7	02/26	(H) Referred To Transportation
8	03/02	(H) Title Suff Do Pass As Amended
9	03/09	(H) Amended
10	03/09	(H) Passed As Amended {Vote}
11	03/10	(H) Returned For Concurrence
12	03/16	(S) Decline to Concur/Invite Conf
13	03/16	(S) Conferees Named Branning,Thompson,Hopson
14	03/24	(H) Conferees Named Busby,Massengill,Crudup
15	03/29	(S) Conference Report Filed
16	03/29	(H) Conference Report Filed
17	03/30	(H) Point of Order Raised
18	03/30	(H) Recommitted For Further Conf
19	03/30	(S) Recommitted For Further Conf
20	03/30	(S) Conference Report Filed
21	03/30	(H) Conference Report Filed
22	03/31	(H) Conference Report Adopted {Vote}
23	03/31	(H) Immediate Release
24	03/31	(S) Conference Report Adopted {Vote}
25	04/01	(S) Enrolled Bill Signed
26	04/01	(H) Enrolled Bill Signed
27	04/22	Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[S] Amendment No 2 (Cmte Sub)***Adopted*** Voice Vote
[S] Amendment No 3 (Cmte Sub)Lost{Vote}
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2825

Conference Reports:

| Conference Report
| Conference Report # 2

Code Section: A 077-0007-0007, A 077-0007-0011, A 077-0007-0013, A 077-0007-0015, A 077-0007-0016, A 077-0007-0017, A 077-0007-0021, A 077-0007-0127, A 077-0007-0311, A 077-0007-0331, A 077-0007-0333, A 077-0007-0335, A 077-0007-0337, A 077-0007-0339, A 077-0007-0341, A 045-0003-0021, A 027-0019-0089, A 019-0011-0027, A 063-0005-0033, A 065-0001-0046

----- Additional Information -----

Senate Committee: Highways and Transportation
House Committee: Transportation

Principal Author: Branning
Additional Authors: Whaley, Sojourner, Parks, Younger, Suber, McCaughn, Chassaniol, Chism, Fillingane, Tate, Caughman, McMahan, Moran, McLendon

Title: AN ACT TO TRANSFER, ON JULY 1, 2021, LAW ENFORCEMENT PERSONNEL AND LAW ENFORCEMENT DUTIES OF THE MISSISSIPPI TRANSPORTATION COMMISSION AND MISSISSIPPI DEPARTMENT OF TRANSPORTATION RELATED TO THE MOTOR CARRIER REGULATORY LAW OF 1938 TO THE COMMERCIAL TRANSPORTATION ENFORCEMENT DIVISION WITHIN THE DEPARTMENT OF PUBLIC SAFETY; TO CREATE THE DPS MOTOR CARRIER ENFORCEMENT FUND AS A SPECIAL FUND IN THE STATE TREASURY TO DEFRAY EXPENSES FOR OFFICERS' SALARIES AND OTHER COSTS TO IMPLEMENT AND ENFORCE THIS ACT; TO AMEND SECTIONS 77-7-7, 77-7-11, 77-7-13, 77-7-15, 77-7-16, 77-7-17, 77-7-21, 77-7-127, 77-7-311, 77-7-331, 77-7-333, 77-7-335, 77-7-337, 77-7-339, 77-7-341 AND 45-3-21, MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION 27-19-89, MISSISSIPPI CODE OF 1972, TO ADJUST THE PENALTIES FOR HARVEST PERMIT HOLDERS FOR WEIGHT LIMIT VIOLATIONS; TO CONFORM TO AN INCREASE IN THE WEIGHT TOLERANCE FOR HARVEST PERMITS, BEGINNING JULY 1, 2023, FROM 84,000 POUNDS TO 88,000 POUNDS; TO AMEND SECTION 19-11-27, MISSISSIPPI CODE OF 1972, TO EXEMPT, FROM JULY 1, 2021, THROUGH JUNE 30, 2023, PROJECTS RECEIVING MONIES FROM THE EMERGENCY ROAD AND BRIDGE REPAIR FUND FROM LIMITATIONS ON CERTAIN EXPENDITURES FOR THE LAST YEAR OF THE TERM OF A COUNTY BOARD OF SUPERVISORS; TO AMEND SECTION 63-5-33, MISSISSIPPI CODE OF 1972, TO INCREASE, BEGINNING JULY 1, 2023, THE MAXIMUM GROSS VEHICLE WEIGHT TOLERANCE, FROM 84,000 POUNDS TO 88,000 POUNDS, WHICH IS FROM 5% TO 10% OF THE AUTHORIZED 80,000 POUNDS, FOR A VEHICLE OPERATING

UNDER A HARVEST PERMIT; TO AMEND SECTION 65-1-46, MISSISSIPPI CODE OF 1972, TO TRANSFER THE APPEALS BOARD OF THE MISSISSIPPI TRANSPORTATION COMMISSION TO THE COMMERCIAL TRANSPORTATION ENFORCEMENT DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY; TO ESTABLISH THE HARVEST PERMIT TRANSPORTATION STEWARDSHIP COUNCIL TO ADVISE THE LEGISLATURE ON POLICY AND TO MAKE BEST PRACTICES RECOMMENDATIONS TO HARVEST PERMIT HOLDERS AND RECEIVING FACILITIES FOR THE PURPOSE OF DETERRING OVERWEIGHT HAULING AND PROTECTING THE STATE'S INFRASTRUCTURE SYSTEM; TO PROVIDE THAT THE COUNCIL SHALL BE DISSOLVED ON JULY 1, 2023; TO TRANSFER $89,000,000.00 OF HIGHWAY INFRASTRUCTURE PROGRAM FUNDS RECEIVED BY THE STATE PURSUANT TO THE CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT OF 2021 TO THE EMERGENCY ROAD AND BRIDGE REPAIR FUND; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Branning, Whaley, Sojourner, Parks, Younger, Suber, McCaughn, Chassaniol, Chism, Fillingane, Tate, Caughman, McMahan, Moran, McLendon

To: Highways and Transportation

SENATE BILL NO. 2825
(As Sent to Governor)

AN ACT TO TRANSFER, ON JULY 1, 2021, LAW ENFORCEMENT PERSONNEL AND LAW ENFORCEMENT DUTIES OF THE MISSISSIPPI TRANSPORTATION COMMISSION AND MISSISSIPPI DEPARTMENT OF TRANSPORTATION RELATED TO THE MOTOR CARRIER REGULATORY LAW OF 1938 TO THE COMMERCIAL TRANSPORTATION ENFORCEMENT DIVISION WITHIN THE DEPARTMENT OF PUBLIC SAFETY; TO CREATE THE DPS MOTOR CARRIER ENFORCEMENT FUND AS A SPECIAL FUND IN THE STATE TREASURY TO DEFRAY EXPENSES FOR OFFICERS' SALARIES AND OTHER COSTS TO IMPLEMENT AND ENFORCE THIS ACT; TO AMEND SECTIONS 77-7-7, 77-7-11, 77-7-13, 77-7-15, 77-7-16, 77-7-17, 77-7-21, 77-7-127, 77-7-311, 77-7-331, 77-7-333, 77-7-335, 77-7-337, 77-7-339, 77-7-341 AND 45-3-21, MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION 27-19-89, MISSISSIPPI CODE OF 1972, TO ADJUST THE PENALTIES FOR HARVEST PERMIT HOLDERS FOR WEIGHT LIMIT VIOLATIONS; TO CONFORM TO AN INCREASE IN THE WEIGHT TOLERANCE FOR HARVEST PERMITS, BEGINNING JULY 1, 2023, FROM 84,000 POUNDS TO 88,000 POUNDS; TO AMEND SECTION 19-11-27, MISSISSIPPI CODE OF 1972, TO EXEMPT, FROM JULY 1, 2021, THROUGH JUNE 30, 2023, PROJECTS RECEIVING MONIES FROM THE EMERGENCY ROAD AND BRIDGE REPAIR FUND FROM LIMITATIONS ON CERTAIN EXPENDITURES FOR THE LAST YEAR OF THE TERM OF A COUNTY BOARD OF SUPERVISORS; TO AMEND SECTION 63-5-33, MISSISSIPPI CODE OF 1972, TO INCREASE, BEGINNING JULY 1, 2023, THE MAXIMUM GROSS VEHICLE WEIGHT TOLERANCE, FROM 84,000 POUNDS TO 88,000 POUNDS, WHICH IS FROM 5% TO 10% OF THE AUTHORIZED 80,000 POUNDS, FOR A VEHICLE OPERATING UNDER A HARVEST PERMIT; TO AMEND SECTION 65-1-46, MISSISSIPPI CODE OF 1972, TO TRANSFER THE APPEALS BOARD OF THE MISSISSIPPI TRANSPORTATION COMMISSION TO THE COMMERCIAL TRANSPORTATION ENFORCEMENT DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY; TO ESTABLISH THE HARVEST PERMIT TRANSPORTATION STEWARDSHIP COUNCIL TO ADVISE THE LEGISLATURE ON POLICY AND TO MAKE BEST PRACTICES RECOMMENDATIONS TO HARVEST PERMIT HOLDERS AND RECEIVING FACILITIES FOR THE PURPOSE OF DETERRING OVERWEIGHT HAULING AND PROTECTING THE STATE'S INFRASTRUCTURE SYSTEM; TO PROVIDE THAT THE COUNCIL SHALL BE DISSOLVED ON JULY 1, 2023; TO TRANSFER

$89,000,000.00 OF HIGHWAY INFRASTRUCTURE PROGRAM FUNDS RECEIVED BY THE STATE PURSUANT TO THE CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT OF 2021 TO THE EMERGENCY ROAD AND BRIDGE REPAIR FUND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) From and after July 1, 2021, the department, through the division, shall have jurisdiction over all matters of enforcement of the provisions of this chapter on the roads, streets and highways of this state and shall prescribe such rules and regulations as are necessary therefor. The jurisdiction and authority of the department under this section shall be in addition to any other jurisdiction and authority provided to the department under any other law. The powers and duties related to the administration of this chapter which do not concern enforcement on the roads, streets and highways of this state shall remain with the commission.

(2) On July 1, 2021, the Mississippi Department of Transportation and/or the commission shall transfer to the department the employees, equipment, inventory, size and weights, computer systems, IFTA, grants, stationary and portable weigh stations, support staff, weigh-in-motion scales and vehicles, state and federal funding, and resources used to enforce the provisions of this chapter on the roads, streets and highways of this state. The department shall consult and work with the Bureau of Building, Grounds and Real Property of the Department of Finance and Administration for the effective transfer to the department of any office space that was assigned for the use of

the enforcement of the provisions of this chapter on the roads, streets and highways of this state, except the office space used by the Enforcement Division of the Department of Transportation located within the Billy McCoy Office Building in Jackson, Mississippi.

(3) Any reference in any statute, rule or regulation to law enforcement duties being performed by the commission or the Mississippi Department of Transportation requiring the use of vehicles to enforce shall be construed to mean law enforcement duties being performed by the division.

(4) The Mississippi State Personnel Board PIN numbers the Mississippi Department of Transportation has assigned to persons in law enforcement and support of enforcement of this chapter at the time of the transfer shall be transferred over to the department. The transfer of personnel shall be commensurate with the number and classification of positions allocated to that law enforcement. All salaries and benefits shall remain the same until further agreement. Rank and structure shall be revised through the division as is practical for proper supervision. All transferred personnel shall posses the same state service protections with the Mississippi State Personnel Board that they possessed before the transfer.

(5) All accrued personal leave earned pursuant to Section 25-3-93, accrued major medical leave earned pursuant to Section 25-3-95, accrued state compensatory leave balances earned pursuant

to Section 25-3-92, and compensatory leave earned pursuant to the Fair Labor Standards Act (FLSA) shall transfer from the Mississippi Department of Transportation to the Department of Public Safety for all employees transferred to the department under this act.

SECTION 2. There is hereby created a special fund in the State Treasury, to be known as the "DPS Motor Carrier Enforcement Fund." The fund shall consist of monies appropriated by act of the Legislature and monies transferred from the Mississippi Department of Transportation. Money in the fund shall only be utilized by the Department of Public Safety's Commercial Transportation Enforcement Division to defray expenses for officers' salaries and other costs to implement and enforce the provisions of this act. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund.

SECTION 3. Section 77-7-7, Mississippi Code of 1972, is amended as follows:

77-7-7. Whenever used in this chapter unless expressly stated otherwise:

(a) The term "person" means individual, firm, copartnership, corporation, company, association or joint-stock association, and includes any trustee, receiver, assignee or personal representative thereof.

(b) The term "commission" means the Mississippi Transportation Commission.

(c) The term "highway" means every public highway or place of whatever nature open to the use of the public for purposes of vehicle travel in this state, including the streets and alleys in towns and cities.

(d) The term "motor vehicle" and "vehicle" means any vehicle, machine, tractor, trailer or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property; such term, however, does not include any vehicle, locomotive or car operated exclusively on a rail or rails.

(e) The term "common carrier by motor vehicle" means any person who or which undertakes, whether directly or by a lease or any other arrangement, to transport passengers or household goods.

(f) The term "contract carrier by motor vehicle" means any person, not included under * * * paragraph (e) of this section, who or which, under special and individual contracts or agreements, and whether directly or by a lease or any other arrangement, transports passengers or household goods.

(g) The term "restricted motor carrier" means all carriers of property, except household goods, by motor vehicle for compensation.

(h) The "services" and "transportation" to which this chapter applies include all vehicles operated by, for or in the interest of any motor carrier irrespective of ownership or contract, express or implied, together with all facilities and property operated or controlled by any such carrier or carriers and used in the transportation of passengers or property or in the performance of any service in connection therewith.

(i) The term "certificate" means a certificate of public convenience and necessity issued by the commission to common carriers by motor vehicle and restricted common carriers by motor vehicle under this chapter.

(j) The term "permit" means a permit issued by the commission to contract carriers by motor vehicle under this chapter.

(k) The term "interstate permit" means a permit issued under the terms of this chapter to the holder of a certificate of public convenience and necessity, a permit, or other operating authority from the U.S. Department of Transportation.

(l) The term "owner" or "operator" and "owner and operator" means any individual, firm, copartnership, corporation, company, association or joint-stock association, and includes any trustee, receiver, assignee or personal representative thereof, to whom or to which a certificate of convenience and necessity or permit or interstate permit has been issued by the commission.

(m) The term "vanpooling" means a nonprofit arrangement entered into to provide for the transportation of persons to and from their places of employment utilizing a motor vehicle manufactured primarily for the transporting of not less than eight (8) nor more than fifteen (15) people, and where the costs of operating said vehicle, including reasonable vehicle depreciation costs, are paid for by those people utilizing such arrangement.

(n) The term "gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the loaded weight of a single motor vehicle.

(o) The term "gross combination weight rating (GCWR)" means the value specified by the manufacturer as the loaded weight of a combination (articulated) motor vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

(p) The term "department" means the Department of Public Safety.

(q) The term "division" means the Commercial Transportation Enforcement Division within the department.

SECTION 4. Section 77-7-11, Mississippi Code of 1972, is amended as follows:

77-7-11. No motor carrier shall operate any motor vehicle for the transportation of passengers or property for compensation on any highway in this state, except in accordance with the

provisions of this chapter, and every such motor carrier is hereby declared to be subject to control, supervision and regulation by the commission for permitting purposes and by the department, through the division, for enforcement purposes. Nothing in this chapter shall confer any proprietary or property rights in the use of the public highways.

SECTION 5. Section 77-7-13, Mississippi Code of 1972, is amended as follows:

77-7-13. (1) It shall be the duty of the commission and the commission shall have the power:

(a) To regulate common carriers by motor vehicle and contract carriers by motor vehicle not exempted in this chapter, doing business in this state, and to that end, the commission may establish reasonable requirements with respect to continuous and adequate service, transportation of baggage and express, uniform system of accounts, records and reports, preservation of records, and safety of operation and equipment, including maximum hours of service of employees.

* * *

(* * *b) To administer * * * the provisions of this chapter concerning certificates of public convenience and necessity, permits, performance bond, insurance, statutorily prescribed fees, identification plates and trip permits, and carrier service, rates and charges, to make necessary orders in connection therewith, and to prescribe rules, regulations and

procedure for such administration; however, the enforcement of the provisions of this chapter on the roads, streets and highways of this state shall fall under the jurisdiction of the department, through the division.

(* * *c) To inquire into the organization of motor carriers, and into the management of their businesses, to keep itself informed as to the manner and method in which the same is conducted, and to transmit to the Legislature, from time to time, such recommendations as to additional legislation relating to such carriers as the commission may deem necessary.

(2) The commission may from time to time establish such just and reasonable classifications of groups of carriers included in the terms "common carrier by motor vehicle" and "contract carrier by motor vehicle," as the special nature of the services performed by such carriers shall require, and the commission may from time to time establish such just and reasonable rules, regulations and requirements, consistent with the provisions of this chapter, to be observed by the carriers so classified or grouped, as the commission deems necessary or desirable in the public interest.

(3) The commission may from time to time enter into joint and cooperative agreements with other governmental agencies in regard to safety, forms, operating procedures and regulatory jurisdiction.

(4) The rules, regulations, requirements and classifications adopted in pursuance to the power and duty of the commission by

this section granted and imposed shall conform as nearly as practicable to the rules, regulations, requirements and classifications promulgated by the Interstate Commerce Commission, the United States Department of Transportation, or any other appropriate governmental agency.

(5) The commission shall not have the duty nor the power to regulate the rates of common carriers by motor vehicle which undertake, whether directly or by a lease or any other arrangement, to transport household goods.

(6) The commission shall not have the duty nor the power to regulate the rates of contract carriers by motor vehicle, who or which, under special and individual contract or agreements, and whether directly or by a lease or any other arrangement, transport household goods.

SECTION 6. Section 77-7-15, Mississippi Code of 1972, is amended as follows:

77-7-15. The commission shall prescribe, issue, amend and rescind such reasonable rules and regulations as may be reasonably necessary or appropriate to carry out the provisions of this chapter concerning certificates of public convenience and necessity, permits, performance bond, insurance, statutorily prescribed fees, identification plates and trip permits, and carrier duties, service, rates and charges; however, the prescription, issuance, amendment and rescission of reasonable rules and regulations concerning the enforcement of the provisions

of this chapter on the roads, streets and highways of this state shall fall under the jurisdiction of the department, through the division, and shall not be subject to this section.

No rule or regulation shall be effective until thirty (30) days after copies of the proposed rule or regulation have been mailed to intrastate motor carriers affected thereby and until a notice, setting forth the terms or substance thereof and the time and place of a hearing thereon, has been published in a newspaper or newspapers of general circulation in the state and filed with the Secretary of State pursuant to the Mississippi Administrative Procedures Law. Such hearing may be held at any time after twenty (20) days following the date of publication of such notice, but such rules or regulations shall not become effective until a hearing thereon. The commission may make its initial set of rules and regulations effective at the end of such thirty-day period, subject to review thereof. All rules and regulations of the commission shall be filed with its secretary and shall be readily available for public inspection and examination during reasonable business hours. Any interested person shall have the right to petition the commission for issuance, amendment or repeal of a rule or regulation.

SECTION 7. Section 77-7-16, Mississippi Code of 1972, is amended as follows:

77-7-16. (1) Supervision and inspection of the safe operation and the safe use of equipment of motor vehicles

operating in the state shall be a specified duty of * * * the Mississippi Department of Public Safety. * * * The Mississippi Transportation Commission shall promulgate as its own the rules, regulations, requirements and classifications of the United States Department of Transportation or any successor federal agency thereof charged with the regulation of motor vehicle safety * * *. The * * * department shall enforce such rules, regulations, requirements and classifications. * * * The Mississippi Transportation Commission shall establish a system of reciprocity with other states to facilitate the inspection of motor vehicles provided for in this subsection.

(2) The * * * Mississippi Department of Public Safety shall have the authority to inspect for safe operation and safe use of equipment the following motor vehicles:

(a) Each holder of a certificate of convenience and necessity, a permit to operate as a contract carrier or interstate permit;

(b) Any individual, corporation or partnership engaged in a commercial enterprise operating a single motor vehicle or those in combination with a manufacturer's gross vehicle rating of more than ten thousand (10,000) pounds; and

(c) Any individual, corporation or partnership operating a motor vehicle of any gross weight transporting hazardous material that requires placarding under the Federal Hazardous Material Regulations.

(3) This section shall not apply to the following:

(a) Motor vehicles employed to transport school children and teachers;

(b) Motor vehicles owned and operated by the United States, District of Columbia or any state or any municipality or any other political subdivision of this state;

(c) Motor vehicles engaged in the occasional transportation of personal property without compensation by individuals which is not in the furtherance of a commercial enterprise;

(d) Motor vehicles engaged in the transportation of human corpses or sick or injured persons;

(e) Motor vehicles engaged in emergency or related operations;

(f) Motor vehicles engaged in the private transportation of passengers;

(g) Motor vehicles, including pickup trucks, that have a GVWR or GCWR of twenty-six thousand (26,000) pounds or less, operating intrastate only, provided that such vehicle does not:

(i) Transport hazardous material requiring a placard; or

(ii) Transport sixteen (16) or more passengers, including the driver.

(h) Motor vehicles owned and operated by any farmer who:

(i) Is using the vehicle to transport agricultural products from a farm owned by the farmer, or to transport farm machinery or farm supplies to or from a farm owned by the farmer;

(ii) Is not using the vehicle to transport hazardous materials of a type or quantity that requires the vehicle to be placarded in accordance with the Federal Hazardous Material Regulations in CFR 49 part 177.823; and

(iii) Is using the vehicle within one hundred fifty (150) air miles of the farmer's farm, and the vehicle is a private motor carrier of property.

(i) Motor vehicles engaged in the transportation of logs and pulpwood between the point of harvest and the first point of processing the harvested product;

(j) Motor vehicles engaged exclusively in hauling gravel, soil or other unmanufactured road building materials;

(k) As to hours of service only, utility service vehicles owned or operated by public utilities subject to regulation by the commission, while in intrastate commerce within this state, with a manufacturer's gross vehicle rating of less than twenty-six thousand one (26,001) pounds, unless the vehicle:

(i) Transports hazardous materials requiring a placard; or

(ii) Is designed or used to transport sixteen (16) or more people, including the driver.

(4) Anyone who violates or fails to comply with this section shall be subject to the penalties as provided for in Section 77-7-311, Mississippi Code of 1972.

SECTION 8. Section 77-7-17, Mississippi Code of 1972, is amended as follows:

77-7-17. No member of the commission or the department, and no employee of the commission or the department appointed or employed in the administration of this chapter, shall in any manner have pecuniary interest in, own any securities of, or hold any position with any motor carrier.

SECTION 9. Section 77-7-21, Mississippi Code of 1972, is amended as follows:

77-7-21. No restricted motor carrier not exempted in this chapter shall engage in intrastate operation on any highway within the state unless such carrier is in compliance with the requirements of the laws and regulations of the commission and the department.

SECTION 10. Section 77-7-127, Mississippi Code of 1972, is amended as follows:

77-7-127. All funds collected by the commission under the provisions of this chapter shall be deposited in the State Treasury to the credit of the commission's regulation fund for use by the commission for the administration * * * of the laws of this state relative to the inspection, control and supervision of the

business, * * * service or accounts of motor carriers subject to this chapter.

From and after July 1, 2016, the expenses of this agency shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law.

From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section.

SECTION 11. Section 77-7-311, Mississippi Code of 1972, is amended as follows:

77-7-311. (1) Any person violating any provisions of this chapter, or any rule, regulation, requirement or order thereunder, or any term or condition of any certificate or permit, for which a penalty is not otherwise provided in this chapter, shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not less than Twenty-five Dollars ($25.00) and not more than Five Hundred Dollars ($500.00) for the first offense and not less than Five Hundred Dollars ($500.00) and not more than One Thousand Dollars ($1,000.00) for each subsequent offense. Each day of violation shall constitute a separate offense.

(2) Any person, whether carrier, shipper, consignee, or any officer, employee, agent or representative thereof, who shall knowingly offer, grant or give, or solicit, accept or receive any rebate, concession or discrimination in violation of any provision

of this chapter, or who by means of any false statement or representation, or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease or bill of sale, or by any other means or device, shall knowingly and willfully assist, suffer or permit any person or persons, natural or artificial, to obtain transportation of passengers or property subject to this chapter for less than the applicable rate, fare or charge, or who shall knowingly and willfully, by any such means or otherwise, fraudulently seek to evade or defeat regulation as in this chapter provided for motor carriers, shall be deemed guilty of a misdemeanor and, upon conviction thereof, be fined not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00) for the first offense and not less than Five Hundred Dollars ($500.00) and not more than One Thousand Dollars ($1,000.00) for any subsequent offense.

(3) Any owner, operator or driver of any vehicle, who is required by any law or by any rule or regulation of the commission or the department to stop at any inspection station or submit to an inspection, who willfully fails or refuses to do so, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than One Hundred Dollars ($100.00), or more than One Thousand Dollars ($1000.00), or by confinement in the county jail for not more than thirty (30) days, or by both fine and jail sentence.

(4) Any individual, corporation or partnership operating a motor vehicle transporting hazardous material that is found to be in violation of any rule, regulation or requirement as provided by Section 77-7-16 shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Two Hundred Dollars ($200.00) or more than Five Hundred Dollars ($500.00) for the first offense, and not less than Five Hundred Dollars ($500.00) and not more than One Thousand Dollars ($1,000.00) for each subsequent offense. Each day of violation shall constitute a separate offense.

(5) Any person operating or attempting to operate a motor vehicle which has been placed out of service by a motor carrier inspector shall be fined One Thousand Dollars ($1,000.00).

SECTION 12. Section 77-7-331, Mississippi Code of 1972, is amended as follows:

77-7-331. The chief enforcement officer and the inspectors, employed pursuant to the authority granted in Section 77-1-21, shall be responsible for enforcing and investigating all alleged violations of this chapter, and the rules, regulations and general orders of the commission promulgated thereunder; however, beginning July 1, 2021, the enforcement and investigation of alleged violations of this chapter, and the rules, regulations and general orders promulgated thereunder, shall fall under the jurisdiction of the department, through the division. In the performance of their duties such employees shall give particular

attention to the enforcement of the commission's or the department's safety rules and regulations; the provisions of this chapter applicable to rates, charges and practices of motor carriers; the provisions prohibiting unlawful preference, concession, rebate, or discrimination; the adequacy of service, equipment and facilities of motor carriers; and the requirements respecting certificate of public convenience and necessity or permits as set forth in this chapter.

SECTION 13. Section 77-7-333, Mississippi Code of 1972, is amended as follows:

77-7-333. After selection, the * * * enforcement officers and the inspectors of the division shall go through thirty (30) days of intensive instruction of the laws of this state pertaining to the Mississippi Department of Transportation and the Department of Public Safety, together with the rules and regulations of * * * both of these * * * agencies, and the laws of this state pertaining to arrest. The expenses of attending such school shall be paid out of the * * * monies appropriated by the Legislature to the department.

From and after July 1, 2016, the expenses of this agency shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law.

From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section.

SECTION 14. Section 77-7-335, Mississippi Code of 1972, is amended as follows:

77-7-335. (1) All division inspectors on duty shall wear uniforms, shall have the right to bear arms, and shall have the authority to make arrests and hold and impound any vehicle and the contents thereof which is being operated in violation of this chapter or the commission's or the department's rules, regulations or general orders promulgated thereunder.

(2) All inspectors shall have the authority to enforce all of the laws, rules and regulations of the commission and the department under this chapter upon all highways in the state and the rights-of-way of such highways and other properties as defined in Section 77-7-261; except that if any person commits an offense in violation of this chapter or the rules and regulations of * * * the commission or the department upon a highway in the state and be pursued by * * * an enforcement officer or inspector of the * * * division, such * * * enforcement officer or inspector may pursue and apprehend such offender upon any of the highways in this state, or to any other place to which such offender may flee.

(3) All inspectors shall have the authority to aid and assist any law enforcement officer whose life or safety is in jeopardy and may arrest without warrant any fugitive from justice

who has escaped or who is using the highways in the state in an attempt to flee. * * * Inspectors of the * * * division may assist other law enforcement agencies in searching for convicted felons who have escaped or for alleged felons where there is probable cause to believe that the person being sought committed the felony and a felony had actually been committed.

(4) Upon request of * * * a sheriff of any county or the chief of police of any community * * *, all division inspectors have the authority to assist in traffic control during time of natural disasters, such as hurricanes, tornados or floods.

* * *

SECTION 15. Section 77-7-337, Mississippi Code of 1972, is amended as follows:

77-7-337. The * * * division is hereby authorized and empowered to purchase all necessary equipment to enforce the provisions of this chapter * * *.

From and after July 1, 2016, the expenses of this agency shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law.

From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section.

SECTION 16. Section 77-7-339, Mississippi Code of 1972, is amended as follows:

77-7-339. The * * * reasonable and necessary expenses of * * * the administration of the duties imposed on the commission by this chapter, shall be paid out of the special fund in the State Treasury designated as the commission's regulation fund, upon requisition and warrants in the same manner provided by law for the disbursements of appropriations for the commission. An itemized account shall be kept of all receipts and expenditures and shall be reported to the Legislature by the commission.

From and after July 1, 2016, the expenses of this agency shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law.

From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section.

SECTION 17. Section 77-7-341, Mississippi Code of 1972, is amended as follows:

77-7-341. For the purpose of administering * * * the provisions of this chapter, the commission * * * is directed to cooperate with and use the services of the * * * enforcement officers and inspectors of the * * * department, and the commission shall utilize the facilities and equipment of the inspection stations maintained by the * * * division. However, in utilizing these personnel and facilities, the commission shall not

interfere with or impede the performance by the personnel of the duties and responsibilities otherwise assigned to them.

SECTION 18. Section 45-3-21, Mississippi Code of 1972, is amended as follows:

45-3-21. (1) The powers and duties of the Highway Safety Patrol shall be, in addition to all others prescribed by law, as follows:

(a) To enforce all of the traffic laws, rules and regulations of the State of Mississippi upon all highways of the state highway system and the rights-of-way of such highways; provided, however, that if any person commits an offense upon the state highway system and be pursued by a member of the Highway Safety Patrol, such patrol officer may pursue and apprehend such offender upon any of the highways or public roads of this state, or to any other place to which such offender may flee.

(b) To enforce all rules and regulations of the commissioner promulgated pursuant to legal authority.

(c) When so directed by the Governor, to enforce any of the laws of this state upon any of the highways or public roads thereof.

(d) Upon the request of the * * * Department of Revenue, and with the approval of the Governor, to enforce all of the provisions of law with reference to the registration, license and taxation of vehicles using the highways of this state, and relative to the sizes, weights and load limits of such vehicles,

and to enforce the provisions of all other laws administered by the * * * Department of Revenue upon any of the highways or public roads of this state; and for such purpose the Highway Safety Patrol shall have the authority to collect and receive all taxes which may be due under any of such laws, and to report and remit same to the * * * Department of Revenue in the manner required by law, or the rules and regulations of the * * * Department of Revenue.

(e) * * * Upon request of the Commercial Transportation Enforcement Division within the Department of Public Safety, and when so instructed by the commissioner, to enforce * * * the Mississippi Motor Carrier Regulatory Law of 1938 and rules and regulations promulgated thereunder.

(f) To arrest without warrant any person or persons committing or attempting to commit any misdemeanor, felony or breach of the peace within their presence or view, and to pursue and so arrest any person committing such an offense to and at any place in the State of Mississippi where he may go or be. Nothing herein shall be construed as granting the Mississippi Highway Safety Patrol general police powers.

(g) To aid and assist any law enforcement officer whose life or safety is in jeopardy. Additionally, officers of the Highway Safety Patrol may arrest without warrant any fugitive from justice who has escaped or who is using the highways of the state in an attempt to flee. With the approval of the commissioner or

his designee, officers of the Highway Safety Patrol may assist other law enforcement agencies in manhunts for convicted felons who have escaped and/or for alleged felons where there is probable cause to believe that the person being sought committed the felony and a felony had actually been committed.

(h) To cooperate with the State Forest Service by reporting all forest fires.

(i) Upon request of the sheriff or his designee, or board of supervisors of any county or the chief of police or mayor of any municipality, and when so instructed by the commissioner or his designee, to respond to calls for assistance in a law enforcement incident; such request and action shall be noted and clearly reflected on the radio logs of both the Mississippi Highway Safety Patrol district substation and that of the requesting agency, entered on the local NCIC terminal, if available, and a request in writing shall follow within forty-eight (48) hours. Additionally, the time of commencement and termination of the specific law enforcement incident shall be clearly noted on the radio logs of both law enforcement agencies.

(2) The Legislature declares that the primary law enforcement officer in any county in the State of Mississippi is the duly qualified and elected sheriff thereof, but for the purposes of this subsection there is hereby vested in the Department of Public Safety, in addition to the powers hereinabove mentioned and the other provisions of this section under the terms

and limitations hereinafter mentioned and for the purpose of insuring domestic tranquility and for the purpose of preventing or suppressing, or both, crimes of violence, acts and conduct calculated to, or which may, provoke or lead to violence and/or incite riots, mobs, mob violence, a breach of the peace, and acts of intimidation or terror, the powers and duties to include the enforcement of all the laws of the State of Mississippi relating to such purposes, to investigate any violation of the laws of the State of Mississippi and to aid in the arrest and prosecution of persons charged with violating the laws of the State of Mississippi which relate to such purposes. Investigators of the Bureau of Investigation of the Department of Public Safety shall have general police powers to enforce all the laws of the State of Mississippi. All officers of the Department of Public Safety charged with the enforcement of the laws administered by that agency, for the purposes herein set forth, shall have full power to investigate, prevent, apprehend and arrest law violators anywhere in the state, and shall be vested with the power of general police officers in the performance of their duties. The officers of the Department of Public Safety are authorized and empowered to carry and use firearms and other weapons deemed necessary in the discharge of their duties as such and are also empowered to serve warrants and subpoenas issued under the authority of the State of Mississippi. The Governor shall be authorized to offer and pay suitable rewards to persons aiding in

the investigation, apprehension and conviction of persons charged with acts of violence, or threats of violence or intimidation or acts of terrorism. The additional powers herein granted to or vested in the Department of Public Safety or any of its officers or employees by this section, excepting investigating powers, and those powers of investigators who shall have general police power, being the investigators in the Bureau of Investigation of the Department of Public Safety, shall not be exercised by the Department of Public Safety, or any of its officers or employees, except upon authority and direction of the Governor or Acting Governor, by proclamation duly signed, in the following instances, to wit:

(a) When requested by the sheriff or board of supervisors of any county or the mayor of any municipality on the grounds that mob violence, crimes of violence, acts and conduct of terrorism, riots or acts of intimidation, or either, calculated to or which may provoke violence or incite riots, mobs, mob violence, violence, or lead to any breach of the peace, or either, and acts of intimidation or terror are anticipated, and when such acts or conduct in the opinion of the Governor or Acting Governor would provoke violence or any of the foregoing acts or conduct set out in this subsection, and the sheriff or mayor, as the case may be, lacks adequate police force to prevent or suppress the same.

(b) Acting upon evidence submitted to him by the Department of Public Safety, or other investigating agency

authorized by the Governor or Acting Governor to make such investigations, because of the failure or refusal of the sheriff of any county or mayor of any municipality to take action or employ such means at his disposal, to prevent or suppress the acts, conduct or offenses provided for in subsection (1) of this section, the Governor or Acting Governor deems it necessary to invoke the powers and authority vested in the Department of Public Safety.

(c) The Governor or Acting Governor is hereby authorized and empowered to issue his proclamation invoking the powers and authority vested by this paragraph, as provided in paragraphs (a) and (b) of this subsection, and when the Governor or Acting Governor issues said proclamation in accordance herewith, said proclamation shall become effective upon the signing thereof and shall continue in full force and effect for a period of ninety (90) days, or for a shorter period if otherwise ordered by the Governor or Acting Governor. At the signing of the proclamation by the Governor or Acting Governor, the Department of Public Safety and its officers and employees shall thereupon be authorized to exercise the additional power and authority vested in them by this paragraph. The Governor and Acting Governor may issue additional proclamations for periods of ninety (90) days each under the authority of paragraphs (a) and (b) of this subsection (2).

(3) All proclamations issued by the Governor or Acting Governor shall be filed in the Office of the Secretary of State on the next succeeding business day.

(4) It is not the intention of this section to vest the wide powers and authority herein provided for, as general powers of the Department of Public Safety, and the same are not hereby so vested, but to limit these general powers to cases and incidents wherein it is deemed necessary to prevent or suppress the offenses and conditions herein mentioned in this and other subsections of this section, and under the terms and conditions hereinabove enumerated, it being the sense of the Legislature that the prime duties of the Department of Public Safety are to patrol the highways of this state and enforce the highway safety laws.

(5) Patrol officers shall have no interest in any costs in the prosecution of any case through any court; nor shall any patrol officer receive any fee as a witness in any court held in this state, whether a state or federal court.

(6) Provided, however, that the general police power vested by virtue of the terms of subsection (2) of this section is solely for the purposes set out in said subsection.

SECTION 19. Section 27-19-89, Mississippi Code of 1972, is amended as follows:

[Through June 30, 2023, this section shall read as follows:]

27-19-89. (a) If any nonresident owner or operator or other nonresident person eligible for a temporary permit as provided in

Section 27-19-79, who has not elected to register and pay the annual privilege taxes prescribed, shall enter or go upon the public highways of the state and shall fail or refuse to obtain the permit required by Section 27-19-79, such person shall be liable, for the first such offense, for the full amount of the permit fee required, plus a penalty thereon of five hundred percent (500%). For the second and all subsequent offenses, such person who fails or refuses to obtain such permits shall be liable for the pro rata part of the annual tax for the balance of the tag year for the maximum legal gross weight of the vehicle plus a penalty thereon of twenty-five percent (25%). Any weight in excess of the maximum legal gross weight of the vehicle, or in excess of the maximum highway weight limit, shall be penalized according to subsection (c) of this section. In either case the excess weight shall be removed by the operator before the vehicle can be allowed to proceed. In order to constitute a "second or subsequent offense" under the provisions hereof, it shall not be necessary that the same or identical vehicle be involved, it being the declared purpose hereof to provide that such penalties shall run against the owner or operator rather than against the specified vehicle. It is further provided that, in order for such owner or operator to become liable for the penalties herein provided, it shall not be necessary to show that such owner or operator was guilty of willfulness, gross negligence or

wantonness, but the offense shall be complete upon the failure or refusal to obtain the required permit.

(b) If any person who has registered his vehicle in Mississippi shall operate such vehicle upon the public highways, having a gross weight greater than the licensed gross weight of such vehicle, and shall fail or refuse to obtain a permit therefor as required by Section 27-19-79, or if any person shall operate any such registered vehicle upon the public highways in a higher classification than that for which it is registered, and shall fail or refuse to obtain a permit therefor as required by Section 27-19-79, then such person shall be liable for the pro rata part of the annual tax for the balance of the tag year for the legal gross weight of such vehicle and in the classification in which same is being operated, plus a penalty thereon of twenty-five percent (25%), after having been given credit for the unexpired part of the privilege tax paid, as provided in Section 27-19-75. In order that such owner or operator shall become liable for the penalties herein provided, it shall not be necessary to show that such owner or operator was guilty of willfulness, gross negligence or wantonness, but the offense shall be complete upon the failure or refusal to obtain the required permit.

(c) If any person shall operate upon a highway of this state a vehicle which has a greater vehicle gross weight than the maximum gross weight limit established by law for that highway and shall have failed to obtain an overload permit as required by

Section 27-19-81, or if any person shall operate a vehicle with a greater load on any axle or axle grouping than allowed by law, then such person, owner or operator shall be assessed a penalty on such axle load weight or vehicle gross weight as exceeds the legal limit in accordance with the following schedule:

AMOUNT IN EXCESS OF LEGAL HIGHWAY WEIGHT LIMITS IN POUNDS	PENALTY
1 to 999	$10.00 minimum penalty
1,000 to 1,999	1¢ per pound in excess of legal limit
2,000 to 2,999	2¢ per pound in excess of legal limit
3,000 to 3,999	3¢ per pound in excess of legal limit
4,000 to 4,999	4¢ per pound in excess of legal limit
5,000 to 5,999	5¢ per pound in excess of legal limit
6,000 to 6,999	6¢ per pound in excess of legal limit
7,000 to 7,999	7¢ per pound in excess of legal limit
8,000 to 8,999	8¢ per pound in excess of legal limit
9,000 to 9,999	9¢ per pound in excess of legal limit
10,000 to 10,999	10¢ per pound in excess of legal limit
11,000 or more	11¢ per pound in excess of legal limit

Any vehicle in violation of the tolerance allowed pursuant to Section 63-5-33(3) shall be fined pursuant to this subsection (c) for all weight in excess of the legal highway gross weight limit authorized for such vehicle or for all weight in excess of the legal tandem axle load weight limit of forty thousand (40,000)

pounds and the legal single axle load limit of twenty thousand (20,000) pounds, whichever the case may be.

The penalty to be assessed for operations of a vehicle with a greater load on any axle or axle grouping than the legal axle load weight limits shall be one-half (1/2) the penalty for operation in excess of the legal gross weight limit.

In instances where both the legal highway gross weight limit and the legal axle load weight limit(s) are exceeded, the fine that shall be levied shall be either the penalty amount for the excess vehicle gross weight or the total of the penalty amounts of all overloaded axles, whichever is the larger amount.

Notwithstanding any other provisions of this section to the contrary, the fine assessed against the holder of a harvest permit for exceeding a gross vehicle weight of eighty-four thousand (84,000) pounds, but not exceeding a gross vehicle weight of ninety thousand (90,000) pounds, shall be Five Cents (5¢) per pound * * *. The fine for exceeding a gross vehicle weight of ninety thousand (90,000) pounds, but not exceeding a gross vehicle weight of one hundred thousand (100,000) pounds, shall be One Thousand Five Hundred Dollars ($1,500.00). The fine for exceeding a gross vehicle weight of one hundred thousand (100,000) pounds shall be Two Thousand Five Hundred Dollars ($2,500.00) for a first violation during any twelve-month period and Three Thousand Five Hundred Dollars ($3,500.00) for a second violation during any twelve-month period. Any subsequent violation of exceeding a

gross vehicle weight of one hundred thousand (100,000) pounds during any twelve-month period shall result in the suspension of the permit holder's harvest permit for thirty (30) days from the date of violation.

Notwithstanding any other provision of this subsection (c) to the contrary, upon an appeal to the Appeals Board of the * * * Commercial Transportation Enforcement Division of the Department of Public Safety by an owner or operator of a vehicle hauling without a harvest permit any of the products or materials described in subsection (3) of Section 63-5-33 and upon whom a penalty has been assessed under this subsection (c) for exceeding the legal weight limit(s) on a highway having a legal weight limit of eighty thousand (80,000) pounds or less, the appeals board shall reduce the penalty assessed against such owner/operator to an amount not to exceed ten percent (10%) of the amount which would otherwise be due without the reduction authorized under this paragraph. A reduction shall not be authorized under this paragraph if the gross weight of the vehicle for which an owner/operator has been charged with a violation of this section exceeds eighty-four thousand (84,000) pounds; and, in any event, no reduction shall be authorized under this paragraph unless a penalty assessed under this section is appealed to the appeals board and unless the board determines, based upon its records, that such owner/operator has not been granted a penalty reduction under this paragraph within a period of twelve (12) months

immediately preceding the date of filing an appeal with the board for a penalty reduction under this paragraph.

(d) If any nonresident owner or operator who has not registered his vehicle and paid the annual privilege taxes prescribed shall operate his vehicle upon the highways of this state when such vehicle has a greater gross weight than permitted by law for the highway traveled upon, and for which such excess gross weight a permit was not or could not be procured from the transportation department as required by Section 27-19-81, such person shall be liable upon his second and all subsequent offenses for the pro rata part of the annual tax for the balance of the tag year for the legal gross weight of the vehicle, and in addition thereto the penalty fee on the excess weight as specified in subsection (c) of this section. In order that such owner or operator shall become liable for the penalties herein provided, it shall not be necessary that the same or identical vehicle be involved, it being the declared purpose hereof to provide that such penalties shall run against the owner or operator rather than against the specific vehicle.

(e) All fines and penalties imposed and collected by the Mississippi Department of * * * Public Safety for violations of the maximum legal vehicle weight limits authorized on the highways of this state shall be deposited into a special fund that is created in the State Treasury. Monies in the fund shall be allocated and distributed quarterly, beginning September 30, 1994,

to each county of the state based on the amount of such fines and penalties imposed and collected in the county during the immediately preceding three (3) months. Monies distributed to the counties under this subsection shall be deposited in each county's road and bridge fund and may be expended, upon approval of the board of supervisors, for any purpose for which county road and bridge fund monies lawfully may be expended.

[From and after July 1, 2023, this section shall read as follows:]

27-19-89. (a) If any nonresident owner or operator or other nonresident person eligible for a temporary permit as provided in Section 27-19-79, who has not elected to register and pay the annual privilege taxes prescribed, shall enter or go upon the public highways of the state and shall fail or refuse to obtain the permit required by Section 27-19-79, such person shall be liable, for the first such offense, for the full amount of the permit fee required, plus a penalty thereon of five hundred percent (500%). For the second and all subsequent offenses, such person who fails or refuses to obtain such permits shall be liable for the pro rata part of the annual tax for the balance of the tag year for the maximum legal gross weight of the vehicle plus a penalty thereon of twenty-five percent (25%). Any weight in excess of the maximum legal gross weight of the vehicle, or in excess of the maximum highway weight limit, shall be penalized according to subsection (c) of this section. In either case the

excess weight shall be removed by the operator before the vehicle can be allowed to proceed. In order to constitute a "second or subsequent offense" under the provisions hereof, it shall not be necessary that the same or identical vehicle be involved, it being the declared purpose hereof to provide that such penalties shall run against the owner or operator rather than against the specified vehicle. It is further provided that, in order for such owner or operator to become liable for the penalties herein provided, it shall not be necessary to show that such owner or operator was guilty of willfulness, gross negligence or wantonness, but the offense shall be complete upon the failure or refusal to obtain the required permit.

(b) If any person who has registered his vehicle in Mississippi shall operate such vehicle upon the public highways, having a gross weight greater than the licensed gross weight of such vehicle, and shall fail or refuse to obtain a permit therefor as required by Section 27-19-79, or if any person shall operate any such registered vehicle upon the public highways in a higher classification than that for which it is registered, and shall fail or refuse to obtain a permit therefor as required by Section 27-19-79, then such person shall be liable for the pro rata part of the annual tax for the balance of the tag year for the legal gross weight of such vehicle and in the classification in which same is being operated, plus a penalty thereon of twenty-five percent (25%), after having been given credit for the unexpired

part of the privilege tax paid, as provided in Section 27-19-75. In order that such owner or operator shall become liable for the penalties herein provided, it shall not be necessary to show that such owner or operator was guilty of willfulness, gross negligence or wantonness, but the offense shall be complete upon the failure or refusal to obtain the required permit.

(c) If any person shall operate upon a highway of this state a vehicle which has a greater vehicle gross weight than the maximum gross weight limit established by law for that highway and shall have failed to obtain an overload permit as required by Section 27-19-81, or if any person shall operate a vehicle with a greater load on any axle or axle grouping than allowed by law, then such person, owner or operator shall be assessed a penalty on such axle load weight or vehicle gross weight as exceeds the legal limit in accordance with the following schedule:

AMOUNT IN EXCESS OF LEGAL HIGHWAY WEIGHT LIMITS IN POUNDS	PENALTY
1 to 999	$10.00 minimum penalty
1,000 to 1,999	1¢ per pound in excess of legal limit
2,000 to 2,999	2¢ per pound in excess of legal limit
3,000 to 3,999	3¢ per pound in excess of legal limit
4,000 to 4,999	4¢ per pound in excess of legal limit
5,000 to 5,999	5¢ per pound in excess of legal limit
6,000 to 6,999	6¢ per pound in excess of legal limit

7,000 to 7,999	7¢ per pound in excess of legal limit
8,000 to 8,999	8¢ per pound in excess of legal limit
9,000 to 9,999	9¢ per pound in excess of legal limit
10,000 to 10,999	10¢ per pound in excess of legal limit
11,000 or more	11¢ per pound in excess of legal limit

Any vehicle in violation of the tolerance allowed pursuant to Section 63-5-33(3) shall be fined pursuant to this subsection (c) for all weight in excess of the legal highway gross weight limit authorized for such vehicle or for all weight in excess of the legal tandem axle load weight limit of forty thousand (40,000) pounds and the legal single axle load limit of twenty thousand (20,000) pounds, whichever the case may be.

The penalty to be assessed for operations of a vehicle with a greater load on any axle or axle grouping than the legal axle load weight limits shall be one-half (1/2) the penalty for operation in excess of the legal gross weight limit.

In instances where both the legal highway gross weight limit and the legal axle load weight limit(s) are exceeded, the fine that shall be levied shall be either the penalty amount for the excess vehicle gross weight or the total of the penalty amounts of all overloaded axles, whichever is the larger amount.

Notwithstanding any other provisions of this section to the contrary, the fine assessed against the holder of a harvest permit for exceeding a gross vehicle weight of * * * eighty-eight thousand (88,000) pounds * * * shall be broken down as follows:

WEIGHT IN POUNDS	PENALTY
88,001 to 89,999	5¢ per pound
90,000 to 90,999	$ 500.00
91,000 to 91,999	$1,000.00
92,000 to 100,000	$1,500.00

For a weight of over one hundred thousand (100,000) pounds, the penalty shall be Two Thousand Five Hundred Dollars ($2,500.00) for a first violation within any twelve-month period, Three Thousand Five Hundred Dollars ($3,500.00) for a second violation within any twelve-month period, and the loss of the harvest permit for a period of thirty (30) days from the date of the violation for a third violation within any twelve-month period.

Notwithstanding any other provision of this subsection (c) to the contrary, upon an appeal to the Appeals Board of the Commercial Transportation Enforcement Division of the Department of Public Safety, by an owner or operator of a vehicle hauling without a harvest permit any of the products or materials described in subsection (3) of Section 63-5-33 and upon whom a penalty has been assessed under this subsection (c) for exceeding the legal weight limit(s) on a highway having a legal weight limit of eighty thousand (80,000) pounds or less, the appeals board shall reduce the penalty assessed against such owner/operator to an amount not to exceed ten percent (10%) of the amount which would otherwise be due without the reduction authorized under this paragraph. A reduction shall not be authorized under this

paragraph if the gross weight of the vehicle for which an owner/operator has been charged with a violation of this section exceeds * * * eighty-eight thousand (88,000) pounds; and, in any event, no reduction shall be authorized under this paragraph unless a penalty assessed under this section is appealed to the appeals board and unless the board determines, based upon its records, that such owner/operator has not been granted a penalty reduction under this paragraph within a period of twelve (12) months immediately preceding the date of filing an appeal with the board for a penalty reduction under this paragraph.

(d) If any nonresident owner or operator who has not registered his vehicle and paid the annual privilege taxes prescribed shall operate his vehicle upon the highways of this state when such vehicle has a greater gross weight than permitted by law for the highway traveled upon, and for which such excess gross weight a permit was not or could not be procured from the transportation department as required by Section 27-19-81, such person shall be liable upon his second and all subsequent offenses for the pro rata part of the annual tax for the balance of the tag year for the legal gross weight of the vehicle, and in addition thereto the penalty fee on the excess weight as specified in subsection (c) of this section. In order that such owner or operator shall become liable for the penalties herein provided, it shall not be necessary that the same or identical vehicle be involved, it being the declared purpose hereof to provide that

such penalties shall run against the owner or operator rather than against the specific vehicle.

(e) All fines and penalties imposed and collected by the Mississippi Department of Public Safety, for violations of the maximum legal vehicle weight limits authorized on the highways of this state shall be deposited into a special fund that is created in the State Treasury. Monies in the fund shall be allocated and distributed quarterly, beginning September 30, 1994, to each county of the state based on the amount of such fines and penalties imposed and collected in the county during the immediately preceding three (3) months. Monies distributed to the counties under this subsection shall be deposited in each county's road and bridge fund and may be expended, upon approval of the board of supervisors, for any purpose for which county road and bridge fund monies lawfully may be expended.

SECTION 20. Section 19-11-27, Mississippi Code of 1972, is amended as follows:

19-11-27. No board of supervisors of any county shall expend from, or contract an obligation against, the budget estimates for road and bridge construction, maintenance and equipment, made and published by it during the last year of the term of office of such board, between the first day of October and the first day of the following January, a sum exceeding one-fourth (1/4) of such item of the budget made and published by it, except in cases of emergency. The clerk of any county is prohibited from issuing any

warrant contrary to the provisions of this section. No board of supervisors nor any member thereof shall buy any machinery or equipment in the last six (6) months of their or his term unless or until he has been elected at the general election of that year. The provisions of this section shall not apply to (i) until January 1, 2020, projects of any type that receive monies from the Local System Bridge Replacement and Rehabilitation Program, the Emergency Road and Bridge Repair Fund, the 2018 Transportation and Infrastructure Improvement Fund or the Gulf Coast Restoration Fund and (ii) to expenditures during calendar year 2019 on deficient bridges in the State Aid Road System or the Local System Road Program that have a sufficiency rating of less than fifty (50) or to a contract, lease or lease-purchase contract executed pursuant to the bidding requirements in Section 31-7-13 and approved by a unanimous vote of the board. Such unanimous vote shall include a statement indicating the board's proclamation that the award of the contract is essential to the efficiency and economy of the operation of the county government. On and after July 1, 2021, through June 30, 2023, the provisions of this section shall not apply to projects of any type that receive monies from the Emergency Road and Bridge Repair Fund.

SECTION 21. Section 63-5-33, Mississippi Code of 1972, is amended as follows:

63-5-33. (1) Subject to the limitations imposed on wheel and axle loads by Section 63-5-27, and to the further limitations

hereinafter specified, the total combined weight (vehicles plus load) on any group of axles of a vehicle or a combination of vehicles shall not exceed the value given in the following table (Table III) corresponding to the distance in feet between the extreme axles of the group, measured longitudinally to the nearest foot, on those highways or parts of highways designated by the Mississippi Transportation Commission as being capable of carrying the maximum load limits and, in addition thereto, such other highways or parts of highways found by the commission to be suitable to carry the maximum load limits from an engineering standpoint, and so designated as such by order of the commission entered upon its minutes and published once each week for three (3) consecutive weeks in a daily newspaper published in this state and having a general circulation therein. The maximum total combined weight carried on any group of two (2) or more consecutive axles shall be determined by the formula contained in the Federal Weight Law enacted January 4, 1975, as follows: W=500 (LN/N-1+12N+36) where W=maximum weight in pounds carried on any group of two (2) or more axles computed to the nearest five hundred (500) pounds, L=distance in feet between the extremes of any group of two (2) or more consecutive axles, and N=number of axles in any group under consideration.

TABLE III

DISTANCE
IN FEET

BETWEEN THE EXTREMES OF ANY GROUP OF 2 OR MORE CONSECUTIVE AXLES	MAXIMUM LOAD IN POUNDS CARRIED ON ANY GROUP OF 2 OR MORE CONSECUTIVE AXLES					
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	34,000					
5	34,000					
6	34,000		Axle groups in			
7	34,000					
8 and less	34,000	34,000	these spacings			
More than 8	38,000	42,000				
9	39,000	42,500				
10	40,000	43,500	impractical			
11		44,000				
12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		

18	49,500	54,000	59,000			
19	50,000	54,500	60,000			
20	51,000	55,500	60,500	66,000		
21	51,500	56,000	61,000	66,500		
22	52,500	56,500	61,500	67,000		
23	53,000	57,500	62,500	68,000		
24	54,000	58,000	63,000	68,500	74,000	
25	54,500	58,500	63,500	69,000	74,500	
26	55,500	59,500	64,000	69,500	75,000	
27	56,000	60,000	65,000	70,000	75,500	
28	57,000	60,500	65,500	71,000	76,500	
29	57,500	61,500	66,000	71,500	77,000	
30	58,500	62,000	66,500	72,000	77,500	
31	59,000	62,500	67,500	72,500	78,000	
32	60,000	63,500	68,000	73,000	78,500	
33		64,000	68,500	74,000	79,000	
34		64,500	69,000	74,500	80,000	
35		65,500	70,000	75,000	80,000	
36		66,000	70,500	75,500	80,000	
37		66,500	71,000	76,000	80,000	
38		67,500	71,500	77,000	80,000	
39		68,000	72,500	77,500	80,000	
40		68,500	73,000	78,000	80,000	
41		69,500	73,500	78,500	80,000	
42		70,000	74,000	79,000	80,000	

43	70,500	75,000	80,000	80,000
44	71,500	75,500	80,000	80,000
45	72,000	76,000	80,000	80,000
46	72,500	76,500	80,000	80,000
47	73,500	77,500	80,000	80,000
48	74,000	78,000	80,000	80,000
49	74,500	78,500	80,000	80,000
50	75,500	79,000	80,000	80,000
51	76,000	80,000	80,000	80,000
52	76,500	80,000	80,000	80,000
53	77,500	80,000	80,000	80,000
54	78,000	80,000	80,000	80,000
55	78,500	80,000	80,000	80,000
56	79,500	80,000	80,000	80,000
57	80,000	80,000	80,000	80,000

(2) Moreover, in addition to the per axle weight limitations specified by Section 63-5-27, two (2) consecutive sets of tandem axles may carry a gross load of thirty-four thousand (34,000) pounds each, providing that the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six (36) feet or more, except that, until September 1, 1989, the axle distance for tank trailers, dump trailers and ocean transport container haulers may be thirty (30) feet or more. Such overall gross weight may not exceed eighty thousand (80,000) pounds, except as provided by this section.

(3) Notwithstanding the provisions of Section 63-5-27 and/or Section 63-5-29 to the contrary, vehicles hauling products in the manner set forth in this subsection, whether or not such vehicles are operating with a harvest permit, shall be allowed a gross weight of not to exceed forty thousand (40,000) pounds on any tandem. Vehicles operating without a harvest permit shall be allowed a tolerance not to exceed five percent (5%) above their authorized gross vehicle weight, tandem or axle weight; except that the maximum gross vehicle weight of any such vehicle shall not exceed eighty thousand (80,000) pounds plus a tolerance thereon of not more than two percent (2%). Vehicles operating without a harvest permit loading at a point of origin having scales available for weighing the vehicle shall not be eligible for any tolerance over the gross weight limit of eighty thousand (80,000) pounds. Vehicles operating with a harvest permit shall be allowed a tolerance not to exceed ten percent (10%) above their authorized gross vehicle weight, tandem or axle weight, but the maximum gross vehicle weight of any such vehicle shall not exceed * * * eighty-eight thousand (88,000) pounds. However, neither the increased weights in this subsection nor any tolerance shall be allowed on federal interstate highways or on other highways where a tolerance is specifically prohibited by the Transportation Commission, the county board of supervisors or the municipal governing authorities as provided for in Section 63-5-27. The tolerance allowed by this subsection shall only

apply to the operation of vehicles from the point of loading to the point of unloading for processing, and to the operation of vehicles hauling sand, gravel, woodchips, wood shavings, sawdust, fill dirt, and agricultural products, and products for recycling or materials for the construction or repair of highways. The range of such operation shall not exceed a radius of one hundred (100) miles except where the products are being transported for processing within this state.

(4) Notwithstanding the provisions of Section 63-5-27 and/or Section 63-5-29 to the contrary, vehicles hauling prepackaged products, unloaded at a state port or to be loaded at a state port, which are containerized in such a manner as to make subdivision thereof impractical shall be allowed a gross weight of not to exceed forty thousand (40,000) pounds on any tandem, and a tolerance not to exceed ten percent (10%) above their authorized gross weight, tandem or axle weight; except that the maximum weight of any vehicle shall not exceed eighty thousand (80,000) pounds plus a tolerance thereon of not more than two percent (2%); however, neither the increased weights in this subsection nor any tolerance shall be allowed on federal interstate highways or on other highways where a tolerance is specifically prohibited by the Transportation Commission, the county board of supervisors or the municipal governing authorities as provided for in Section 63-5-27.

(5) (a) Vehicles for which a harvest permit has been issued pursuant to Section 27-19-81(4) shall be allowed a gross vehicle weight tolerance of ten percent (10%), not to exceed * * * eighty-eight thousand (88,000) pounds. However, the board of supervisors of any county and the governing authorities of any municipality may designate the roads, streets and highways under their respective jurisdiction on and along which vehicles for which a harvest permit has been issued may travel. This subsection shall not apply to the federal interstate system.

(b) Any owner or operator who has been issued a harvest permit and who wishes to operate a vehicle on the roads, streets or highways under the jurisdiction of a county or municipality at a gross vehicle weight greater than the weight allowed by law or greater than the maximum weight established for such roads, streets or highways by the board of supervisors or municipal governing authorities, shall notify, in writing, the board of supervisors or the governing authorities, as the case may be, before operating such vehicle on the roads, streets or highways of such county or municipality. In his notice, the permit holder shall identify the routes over which he intends to operate vehicles for which the permit has been issued and the dates or time period during which he will be operating such vehicles. The board of supervisors or the governing authorities, as the case may be, shall have two (2) working days to respond in writing to the permit holder to notify the permit holder of the routes on and

along which the permit holder may operate vehicles for which a harvest permit has been issued. Failure of the board of supervisors or the governing authorities timely to notify the permit holder and to designate the routes on and along which the permit holder may operate shall be considered as authorizing the permit holder to operate on any of the roads, streets or highways of the county or municipality in accordance with the authority granted to the permit holder by the harvest permit.

(c) Any time a timber deed is filed with the chancery clerk, the grantee, at that time, may make a written request of the board of supervisors of the county or the governing authorities of the municipality, as the case may be, for the purpose of providing to the grantee, within three (3) working days of the filing of the request, a designated and approved route over the roads, streets or highways under the jurisdiction of the county or city, as the case may be, that the grantee may travel for the purpose of transporting harvested timber. Upon providing such route designation, the county or city, as the case may be, shall also provide to the grantee a map designating the approved route. An approved route designation provided to a grantee under the provisions of this paragraph shall be valid for a period of six (6) months from its date of issue. The permit authorized to be issued under paragraph (b) of this subsection shall not be required for any person who obtains a permit issued under this paragraph.

(d) This subsection (5) shall stand repealed from and after July 1, 2022.

(6) Nothing in this section or subsections (1) through (4) of Section 63-5-27 shall be construed to deny the operation of any vehicle or combination of vehicles that could be lawfully operated upon the interstate highway system of this state on January 4, 1975.

(7) (a) Notwithstanding any provisions of Section 63-5-27 to the contrary, a vehicle that is operated by an engine fueled primarily by compressed or liquefied natural gas may exceed the gross vehicle weight limits by an amount, not to exceed a maximum of two thousand (2,000) pounds, that is equal to the difference between the weight of the vehicle attributable to the natural gas tank and fueling system carried by the vehicle and the weight of a comparable diesel tank and fueling system.

(b) The weight exception provided in this subsection shall apply to all interstate highways per the exemption expressly permitted by 23 USC Section 127.

SECTION 22. Section 65-1-46, Mississippi Code of 1972, is amended as follows:

[Through June 30, 2023, this section shall read as follows:]

65-1-46. (1) There is created an Appeals Board of the Mississippi Transportation Commission. If any person feels aggrieved by a penalty for excess weight assessed against him by an agent or employee of the Mississippi Department of

Transportation pursuant to Section 27-19-89, he may apply to the appeals board. Beginning July 1, 2021, the Appeals Board shall be administratively located within the Commercial Transportation Enforcement Division of the Mississippi Department of Public Safety and shall receive appeals with respect to penalties for excess weight assessed by agents or employees of the Commercial Transportation Enforcement Division.

(2) The members serving on the appeals board on April 7, 1995, shall continue to serve until July 1, 1995. On July 1, 1995, the appeals board shall be reconstituted to be composed of five (5) qualified people. The initial appointments to the reconstituted board shall be made no later than June 30, 1995, for terms to begin July 1, 1995, as follows: One (1) member shall be appointed by the Governor for a term ending on June 30, 1996, one (1) member shall be appointed by the Lieutenant Governor for a term ending on June 30, 1997, one (1) member shall be appointed by the Attorney General for a term ending on June 30, 1998, one (1) member shall be appointed by the Chairman of the State Tax Commission for a term ending on June 30, 1999, and one (1) member shall be appointed by the Executive Director of the Mississippi Department of Transportation for a term ending on June 30, 2000. After the expiration of the initial terms of the members of the reconstituted board, all subsequent appointments shall be made for terms of four (4) years from the expiration date of the previous term. Any member serving on the appeals board before July 1,

1995, may be reappointed to the reconstituted appeals board. Appointments to the board shall be with the advice and consent of the Senate; however, the advice and consent of the Senate shall not be required for the appointment of a person to the reconstituted appeals board for a term beginning on July 1, 1995, if such person was serving as a member of the appeals board on June 30, 1995, and such person received the advice and consent of the Senate for that appointment. The term of the member appointed by the Executive Director of the Mississippi Department of Transportation shall end on June 30, 2021, and the vacancy shall be filled by a member appointed by the Commissioner of Public Safety for a term ending on June 30, 2024, after which the position shall be for a four-year term.

(3) There shall be a chairman and vice chairman of the board who shall be elected by and from the membership of the board. Any member who fails to attend three (3) consecutive regular meetings of the board shall be subject to removal by a majority vote of the board. A majority of the members of the board shall constitute a quorum. The chairman, or a majority of the members of the board, may call meetings as may be required for the proper discharge of the board's duties. Members of the board, except a member who is an officer or employee of the Mississippi Department of Transportation or, beginning July 1, 2021, is an officer or employee of the Department of Public Safety, shall receive per diem in the amount authorized by Section 25-3-69, for each day

spent in the actual discharge of their duties and shall be reimbursed for mileage and actual expenses incurred in the performance of their duties in accordance with the provisions of Section 25-3-41.

Application shall be made by petition in writing, within thirty (30) days after assessment of the penalty, for a hearing and a review of the amount of the assessment. At the hearing the appeals board shall try the issues presented according to the law and the facts and within guidelines set by the Transportation Commission or, beginning July 1, 2021, by the Department of Public Safety. Upon due consideration of all the facts relating to the assessment of the penalty, the appeals board, except as otherwise provided under this section or under Section 27-19-89, may require payment of the full amount of the assessment, may reduce the amount of the assessment or may dismiss imposition of the penalty entirely. The appeals board shall dismiss in its entirety the imposition of any penalty imposed against the holder of a harvest permit if the permittee proves to the appeals board, by clear and convincing evidence, that the average load transported by the permittee during the permittee's last five (5) haul days immediately preceding the day upon which the penalty appealed from was assessed did not exceed eighty thousand (80,000) pounds. The appeals board shall reduce the penalty assessed against the holder of a harvest permit to a maximum of Two Cents (2¢) per pound of overweight if the permittee proves to the appeals board, by clear

and convincing evidence, that the average load transported by the permittee during the permittee's last five (5) haul days immediately preceding the day upon which the penalty appealed from was assessed exceeded seventy-nine thousand nine hundred ninety-nine (79,999) pounds but did not exceed eighty-four thousand (84,000) pounds. The board shall make such orders in the matter as appear to it just and lawful and shall furnish copies thereof to the petitioner. If the appeals board orders the payment of the penalty, the petitioner shall pay the penalty, damages and interest, if any, within ten (10) days after the order is issued unless there is an application for appeal from the decision of the board as provided in the succeeding paragraph. Interest shall accrue on the penalty at the rate of one percent (1%) per month, or part of a month, beginning immediately after the expiration of the ten-day period.

If any person feels aggrieved by the decision of the appeals board, he may appeal the decision to the Chancery Court of the First Judicial District of Hinds County.

[From and after July 1, 2023, this section shall read as follows:]

65-1-46. (1) There is created an Appeals Board of the Mississippi Transportation Commission. If any person feels aggrieved by a penalty for excess weight assessed against him by an agent or employee of the Mississippi Department of Transportation pursuant to Section 27-19-89, he may apply to the

appeals board. Beginning July 1, 2021, the Appeals Board shall be administratively located within the Commercial Transportation Enforcement Division of the Mississippi Department of Public Safety and shall receive appeals with respect to penalties for excess weight assessed by agents or employees of the Commercial Transportation Enforcement Division.

(2) The members serving on the appeals board on April 7, 1995, shall continue to serve until July 1, 1995. On July 1, 1995, the appeals board shall be reconstituted to be composed of five (5) qualified people. The initial appointments to the reconstituted board shall be made no later than June 30, 1995, for terms to begin July 1, 1995, as follows: One (1) member shall be appointed by the Governor for a term ending on June 30, 1996, one (1) member shall be appointed by the Lieutenant Governor for a term ending on June 30, 1997, one (1) member shall be appointed by the Attorney General for a term ending on June 30, 1998, one (1) member shall be appointed by the Chairman of the State Tax Commission for a term ending on June 30, 1999, and one (1) member shall be appointed by the Executive Director of the Mississippi Department of Transportation for a term ending on June 30, 2000. After the expiration of the initial terms of the members of the reconstituted board, all subsequent appointments shall be made for terms of four (4) years from the expiration date of the previous term. Any member serving on the appeals board before July 1, 1995, may be reappointed to the reconstituted appeals board.

Appointments to the board shall be with the advice and consent of the Senate; however, the advice and consent of the Senate shall not be required for the appointment of a person to the reconstituted appeals board for a term beginning on July 1, 1995, if such person was serving as a member of the appeals board on June 30, 1995, and such person received the advice and consent of the Senate for that appointment. The term of the member appointed by the Executive Director of the Mississippi Department of Transportation shall end on June 30, 2021, and the vacancy shall be filled by a member appointed by the Commissioner of Public Safety for a term ending on June 30, 2024, after which the position shall be for a four-year term.

(3) There shall be a chairman and vice chairman of the board who shall be elected by and from the membership of the board. Any member who fails to attend three (3) consecutive regular meetings of the board shall be subject to removal by a majority vote of the board. A majority of the members of the board shall constitute a quorum. The chairman, or a majority of the members of the board, may call meetings as may be required for the proper discharge of the board's duties. Members of the board, except a member who is an officer or employee of the Mississippi Department of Transportation or, beginning July 1, 2021, is an officer or employee of the Department of Public Safety, shall receive per diem in the amount authorized by Section 25-3-69, for each day spent in the actual discharge of their duties and shall be

reimbursed for mileage and actual expenses incurred in the performance of their duties in accordance with the provisions of Section 25-3-41.

Application shall be made by petition in writing, within thirty (30) days after assessment of the penalty, for a hearing and a review of the amount of the assessment. At the hearing the appeals board shall try the issues presented according to the law and the facts and within guidelines set by the Transportation Commission or, beginning July 1, 2021, by the Department of Public Safety. Upon due consideration of all the facts relating to the assessment of the penalty, the appeals board, except as otherwise provided under this section or under Section 27-19-89, may require payment of the full amount of the assessment, may reduce the amount of the assessment or may dismiss imposition of the penalty entirely. The appeals board shall dismiss in its entirety the imposition of any penalty imposed against the holder of a harvest permit if the permittee proves to the appeals board, by clear and convincing evidence, that the average load transported by the permittee during the permittee's last five (5) haul days immediately preceding the day upon which the penalty appealed from was assessed did not exceed eighty thousand (80,000) pounds. The appeals board shall reduce the penalty assessed against the holder of a harvest permit to a maximum of Two Cents (2¢) per pound of overweight if the permittee proves to the appeals board, by clear and convincing evidence, that the average load transported by the

permittee during the permittee's last five (5) haul days immediately preceding the day upon which the penalty appealed from was assessed exceeded seventy-nine thousand nine hundred ninety-nine (79,999) pounds but did not exceed * * * a gross vehicle weight tolerance of ten percent (10%), not to exceed eighty-eight thousand (88,000) pounds. The board shall make such orders in the matter as appear to it just and lawful and shall furnish copies thereof to the petitioner. If the appeals board orders the payment of the penalty, the petitioner shall pay the penalty, damages and interest, if any, within ten (10) days after the order is issued unless there is an application for appeal from the decision of the board as provided in the succeeding paragraph. Interest shall accrue on the penalty at the rate of one percent (1%) per month, or part of a month, beginning immediately after the expiration of the ten-day period.

If any person feels aggrieved by the decision of the appeals board, he may appeal the decision to the Chancery Court of the First Judicial District of Hinds County.

SECTION 23. (1) There is established the Harvest Permit Transportation Stewardship Council to advise the Legislature on policy and to make best practices recommendations to harvest permit holders and receiving facilities for the purpose of deterring overweight hauling and protecting the state's infrastructure system.

(2) The council shall meet annually with the chairs of the Senate Agriculture Committee, the House Agriculture Committee, the Senate Forestry Committee, the House Forestry Committee, the Senate Highways and Transportation Committee, and the House Transportation Committee. In addition, the council shall provide reports and testimony to the Legislature upon request, which shall include, but not necessarily be limited to, baseline estimates of average weights hauled, content of commodities hauled, and estimated delivery period of the same.

(3) The council shall be composed of the following members:

(a) The Lieutenant Governor, or his designee;

(b) The Speaker of the House of Representatives, or his designee;

(c) The Commissioner of Public Safety, or his designee;

(d) The Executive Director of the Mississippi Department of Transportation, or her designee;

(e) The State Aid Engineer;

(f) The Commissioner of Agriculture and Commerce, or his designee;

(g) The President of the Mississippi Forestry Association, or his designee;

(h) The President of the Mississippi Poultry Association, or his designee;

(i) The President of the Mississippi Farm Bureau, or his designee;

(j) The President of the Mississippi Cattlemen's Association, or his designee;

(k) The President of the Mississippi Loggers Association, or his designee;

(l) The President of the Mississippi Feed and Grain Association, or his designee;

(m) The Chairman of the Mississippi Trucking Association Board of Directors, or his designee;

(n) The President of the Delta Council, or his designee;

(o) The President of the Mississippi Association of Supervisors, or his designee;

(p) The President of the Mississippi Municipal League, or his designee;

(q) The Chairs of the Senate Highways and Transportation Committee and of the House Transportation Committee; and

(r) Two at-large members, one appointed by the Lieutenant Governor and one appointed by the Speaker of the House.

(4) Appointments to the council shall be made by August 1, 2021. At the first meeting, the council shall elect from among its membership a chairman, a vice chairman and any other officers determined to be necessary, and shall adopt rules for transacting business and keeping records.

(5) A majority of the members of the council shall constitute a quorum. In the adoption of rules, resolutions and reports, and in the election of a chairman, vice chairman and any other officers determined to be necessary, an affirmative vote of a majority of the members present shall be required.

(6) The Department of Public Safety shall provide the staff and other support necessary for the council to perform its duties.

(7) To effectuate the purposes of this section, any department, division, board, bureau, committee, institution or agency of the state, or any political subdivision thereof, shall, at the request of the chairman of the council, provide the facilities, assistance, information and data needed to enable the council to carry out its duties.

(8) The council shall be dissolved on July 1, 2023.

SECTION 24. On July 1, 2021, Eighty-nine Million Dollars ($89,000,000.00) of Highway Infrastructure Program funds received by the state pursuant to the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 shall be transferred to the Emergency Road and Bridge Repair Fund created in Section 65-1-179.

SECTION 25. Section 1 of this act shall be codified in Title 77, Chapter 7, Mississippi Code of 1972.

SECTION 26. Section 21 of this act shall take effect and be in force from and after July 1, 2023, and the remaining sections

of this act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2832

Description: Upholstered household furniture manufacturing job tax credit; extend repealer from 2022 to 2026.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Finance
2	01/26	(S) Title Suff Do Pass
3	02/04	(S) Passed {Vote}
4	02/05	(S) Transmitted To House
5	02/24	(H) Referred To Ways and Means
6	03/02	(H) Title Suff Do Pass As Amended
7	03/08	(H) Read the Third Time
8	03/09	(H) Amended
9	03/09	(H) Passed As Amended {Vote}
10	03/10	(H) Returned For Concurrence
11	03/17	(S) Decline to Concur/Invite Conf
12	03/18	(S) Conferees Named Harkins,Sparks,Whaley
13	03/23	(H) Conferees Named Lamar,Steverson,Massengill
14	03/27	(S) Conference Report Filed
15	03/27	(H) Conference Report Filed
16	03/28	(H) Conference Report Adopted {Vote}
17	03/28	(S) Conference Report Adopted {Vote}
18	04/01	(S) Enrolled Bill Signed
19	04/01	(H) Enrolled Bill Signed
20	04/09	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2832

Conference Reports:
Conference Report

Code Section: A 027-0007-0022.36

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Harkins

Title: AN ACT TO AMEND SECTION 27-7-22.36, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEAL DATE OF THE UPHOLSTERED HOUSEHOLD FURNITURE MANUFACTURING JOB TAX CREDIT FROM JANUARY 1, 2022, TO JANUARY 1, 2026; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Harkins To: Finance

SENATE BILL NO. 2832

AN ACT TO AMEND SECTION 27-7-22.36, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEAL DATE OF THE UPHOLSTERED HOUSEHOLD FURNITURE MANUFACTURING JOB TAX CREDIT FROM JANUARY 1, 2022, TO JANUARY 1, 2026; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-7-22.36, Mississippi Code of 1972, is amended as follows:

27-7-22.36. (1) As used in this section:

(a) "Full-time employee" means an employee * * * who works at least thirty-five (35) hours per week.

(b) "New cut and sew job" means a job in which the employee cuts and sews upholstery for upholstered household furniture and which job did not exist in this state before January 1, 2010.

(2) Any enterprise owning or operating an upholstered household furniture manufacturing facility is allowed a job tax credit for taxes imposed by this chapter equal to Two Thousand Dollars ($2,000.00) annually for each full-time employee employed in a new cut and sew job for a period of five (5) years from the

date the credit commences. The credit shall commence on the date selected by the enterprise. For the year in which the commencement date occurs, the credit will be determined based on the monthly average number of full-time employees employed in new cut and sew jobs subject to the Mississippi income tax withholding * * * who are employed by the enterprise. For each year thereafter, the number of new cut and sew jobs shall be determined by comparing the monthly average number of full-time employees employed in new cut and sew jobs subject to the Mississippi income tax withholding for the taxable year with the corresponding period of the prior taxable year. The Department of Revenue shall verify that the jobs claimed by enterprises to obtain the credit meet the definition of the term "new cut and sew job." The Department of Revenue shall adjust the credit allowed each year for employment fluctuations.

(3) The credit that may be used each year shall be limited to an amount not greater than the total state income tax liability of the enterprise. Any tax credit claimed under this section but not used in any taxable year may be carried forward for five (5) consecutive years from the close of the tax year in which the credits were earned.

(4) The tax credits provided for in this section shall be in lieu of the tax credits provided for in Section 57-73-21 and any enterprise using the tax credit authorized in this section shall not use the tax credit authorized in Section 57-73-21.

(5) Any taxpayer who is eligible for the credit authorized in this section prior to January 1, * * * 2026, shall be eligible for the credit authorized in this section, notwithstanding the repeal of this section, and shall be allowed to carry forward the credit after January 1, * * * 2026, as provided for in subsection (3) of this section.

(6) This section shall be repealed from and after January 1, * * * 2026.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2834

Description: Mississippi Historic Site Preservation Fund; create and provide for administration by Department of Archives and History.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S)	Referred To Appropriations; Accountability, Efficiency, Transparency
2	01/28	(S)	DR - TSDP: AP To AC
3	02/02	(S)	Title Suff Do Pass
4	02/04	(S)	Passed {Vote}
5	02/05	(S)	Transmitted To House
6	02/23	(H)	Referred To Appropriations
7	02/25	(H)	Title Suff Do Pass As Amended
8	03/03	(H)	Amended
9	03/03	(H)	Passed As Amended {Vote}
10	03/03	(H)	Immediate Release
11	03/03	(H)	Returned For Concurrence
12	03/19	(S)	Decline to Concur/Invite Conf
13	03/22	(S)	Conferees Named Hopson,Polk,McLendon
14	03/22	(H)	Conferees Named Read,Oliver,Bennett
15	03/29	(S)	Conference Report Filed
16	03/29	(H)	Conference Report Filed
17	03/30	(H)	Conference Report Adopted {Vote}
18	03/30	(S)	Conference Report Adopted {Vote}
19	04/01	(S)	Enrolled Bill Signed
20	04/01	(H)	Enrolled Bill Signed
21	04/16		Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2834

Conference Reports:
Conference Report

Code Section: A 039-0005-0005

----- Additional Information -----

Senate Committee: Appropriations, Accountability, Efficiency, Transparency
House Committee: Appropriations

Principal Author: Hopson
Additional Authors: Butler, Branning, Hill, Jordan, Jackson (11th), Jackson (32nd), Simmons (13th), Frazier, Thomas

Title: AN ACT TO CREATE A MISSISSIPPI HISTORIC SITE PRESERVATION FUND TO BE USED TO MATCH FEDERAL OR OTHER PRIVATE FUNDS FOR MAKING GRANTS FOR THE PURPOSE OF FEE SIMPLE PURCHASE OR PROTECTIVE INTEREST PURCHASE OF ENDANGERED PROPERTY DIRECTLY RELATED TO MISSISSIPPI NATIVE AMERICAN ARCHEOLOGY SITES, MISSISSIPPI BATTLEFIELD PROPERTY OR MISSISSIPPI CIVIL RIGHTS MOVEMENT SITES; TO PROVIDE THAT SUCH FUND SHALL BE ADMINISTERED BY THE DEPARTMENT OF ARCHIVES AND HISTORY'S HISTORIC PRESERVATION DIVISION; TO PRESCRIBE CERTAIN CONDITIONS ON THE ALLOCATIONS FROM THE FUND; TO PRESCRIBE ELIGIBLE COSTS FOR WHICH MONIES FROM THE FUND MAY BE ALLOCATED; TO AUTHORIZE COOPERATIVE AGREEMENTS FOR THE IMPLEMENTATION OF SUCH GRANTS; TO AMEND SECTION 39-5-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Hopson, Butler, Branning, Hill, Jordan, Jackson (11th), Jackson (32nd), Simmons (13th), Frazier, Thomas

To: Appropriations; Accountability, Efficiency, Transparency

SENATE BILL NO. 2834
(As Sent to Governor)

AN ACT TO CREATE A MISSISSIPPI HISTORIC SITE PRESERVATION FUND TO BE USED TO MATCH FEDERAL OR OTHER PRIVATE FUNDS FOR MAKING GRANTS FOR THE PURPOSE OF FEE SIMPLE PURCHASE OR PROTECTIVE INTEREST PURCHASE OF ENDANGERED PROPERTY DIRECTLY RELATED TO MISSISSIPPI NATIVE AMERICAN ARCHEOLOGY SITES, MISSISSIPPI BATTLEFIELD PROPERTY OR MISSISSIPPI CIVIL RIGHTS MOVEMENT SITES; TO PROVIDE THAT SUCH FUND SHALL BE ADMINISTERED BY THE DEPARTMENT OF ARCHIVES AND HISTORY'S HISTORIC PRESERVATION DIVISION; TO PRESCRIBE CERTAIN CONDITIONS ON THE ALLOCATIONS FROM THE FUND; TO PRESCRIBE ELIGIBLE COSTS FOR WHICH MONIES FROM THE FUND MAY BE ALLOCATED; TO AUTHORIZE COOPERATIVE AGREEMENTS FOR THE IMPLEMENTATION OF SUCH GRANTS; TO AMEND SECTION 39-5-5, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING PROVISIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) There is created in the State Treasury a special fund to be known as the "Mississippi Historic Site Preservation Fund," hereafter referred to as "the Fund." The Fund shall be included in the budget of the Mississippi Department of Archives and History and implemented by the Historic Preservation Division of the department. The Fund shall consist of general funds appropriated by the Legislature and funds received as grants, endowments or gifts from the federal government, its agencies and instrumentalities and funds from any other available

sources, public or private. All such funds shall be paid into the State Treasury and credited to the Fund. Interest earned on monies in the Fund shall remain in the Fund and be credited to it. Any monies remaining in the Fund, including interest thereon, at the end of each fiscal year shall not lapse to the State General Fund but shall remain in the Fund.

(2) Monies in the Fund shall be used by the Department of Archives and History, subject to appropriation by the Legislature, solely for the purpose of making grants to nonprofit organizations that have obtained Section 501(c)(3) tax-exempt status from the Internal Revenue Service, hereafter referred to as "organizations" or local governmental entities, to match federal and other matching funds. All such grants shall be made solely for the fee simple purchase of, or purchase of protective interests in (a) any Native American archeology site, (b) any endangered Mississippi battlefield property, and/or (c) any endangered Mississippi Civil Rights Movement historic site. To be eligible for a grant, a site must be individually listed in the National Register of Historic Places, identified as nationally significant in a National Park Service Special Resource Study, or listed in the Report on the Nation's Civil War Battlefields by the Civil War Sites Advisory Commission, National Park Service, as amended, and such sites shall be specified by the Legislature in the annual appropriation to the department. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the

State Fiscal Officer upon written request of the Director of the Department of Archives and History.

(3) The Director of the Department of Archives and History shall establish, administer, manage, and make expenditures and allocations from the Fund.

(4) Organizations seeking grant funding from the Fund shall be required to provide at least One Dollar ($1.00) in matching funds for each One Dollar ($1.00) received from the Fund for the proposed project. As used in this subsection, the term "matching funds" shall include both cash and the value of any contribution due to a bargain sale or the donation of land or interest therein made by the landowner as part of the proposed project. No state funds may be included in determining the amount of the match.

(5) Eligible costs for which monies from the Fund may be allocated to include acquisition of land and any improvements thereon (collectively referred to in this section as "land") or permanent protective interests, such as perpetual conservation easements, and costs associated with such acquisitions, including the cost of appraisals, environmental reports, any survey, title searches and title insurance, and other closing costs.

(6) Grants from the Fund shall not exceed fifty percent (50%) of the appraised value of the land or permanent protective interest therein.

(7) Grants from the Fund may be awarded for prospective purchases or for acquisitions on which the applicant has closed. In the latter case the applicant shall demonstrate:

(a) The closing occurred no more than twelve (12) months prior to the date of application for the grant; and

(b) An identifiable threat to the resource or compelling need for preservation existed at the time of the purchase.

(8) Any eligible organization making an acquisition of land or interest therein pursuant to this section shall grant to the Department of Archives and History or other holder a perpetual easement placing restrictions on the use or development of the land. In cases where the easement is granted to a holder other than the Department of Archives and History, all terms and conditions of the easement shall be reviewed by and found by the department to accomplish the perpetual preservation of the property. Such other holder shall demonstrate to the department that it has the capacity and expertise to manage and enforce the terms of the easement.

(9) Nothing in this section shall preclude the subsequent transfer or assignment by a state agency or other owner or holder of any property interest acquired pursuant to this section to the United States of America to be incorporated into a national park, national forest, national wildlife refuge, or other national conservation area in accordance with 54 USC Section 100101, 16 USC

Section 551, the Fish and Wildlife Act of 1956 (16 USC Section 742a et seq.), or 16 USC Section 1131, as amended and applicable. The Department of Archives and History shall facilitate transfers and assignments of any such interests held by the department. The United States of America shall be considered a "public body" for the purposes of any transfer or assignment to the United States of America of any easement granted under this section.

(10) The Director of Archives and History shall establish, administer, manage, and make expenditures and allocations from the Fund and shall establish guidelines for applications, evaluation, and award of grants from the Fund in consultation with appropriate preservation interests.

(11) Eligible costs for which monies from the Fund may be allocated include:

(a) Acquisition of land and any improvements thereon;

(b) Permanent protective interests;

(c) Conservation easements;

(d) Costs of appraisals;

(e) Environmental reports;

(f) Surveys;

(g) Title searches and title insurance; and

(h) Any other closing costs.

(12) The Department of Archives and History shall prioritize and award grants of monies from the Fund and consider in relation to the sites identified:

(a) The significance of the site;

(b) The location of the proposed project;

(c) The proximity to other protected lands;

(d) The threat to and integrity of the features associated with the historic significance of the site; and

(e) The financial and administrative capacity of the applicant to complete the project and to maintain and manage the property consistent with the public investment and public interest, including:

(i) Education;

(ii) Recreation;

(iii) Research;

(iv) Heritage tourism promotion; or

(v) Orderly community development.

(13) To carry out this act, the Department of Archives and History may enter into cooperative agreements with entities in the public and private sectors, including:

(a) Colleges and universities;

(b) Historical societies;

(c) State and local agencies; and

(d) Nonprofit organizations.

(14) To develop cooperative land-use strategies and conduct activities that facilitate the conservation of the historic, cultural, natural and scenic resources, the Department of Archives and History may provide technical assistance, to the extent that a

recipient of technical assistance is engaged in the protection, interpretation or commemoration of historically significant resources in the area in and around the historic site.

SECTION 2. Section 39-5-5, Mississippi Code of 1972, is amended as follows:

39-5-5. The duties and powers of the Board of Trustees of the Department of Archives and History shall include, in addition to other duties and powers granted or prescribed by law, the following:

(a) To determine the location of places of historical interest within the state;

(b) To make a survey of buildings of all types throughout the state which are in danger of destruction, without proper care, and which in the opinion of the board of trustees should be preserved for historical purposes;

(c) To contact the proper authorities of the United States national cemeteries and military parks to determine whether or not the record of Mississippi troops is adequately commemorated;

(d) To acquire, preserve, restore or operate any real or personal property deemed significant for historical, architectural, archaeological or cultural reasons, to expend funds for such purposes, to enter into contracts or agreements with any agency of the United States or any person, firm, corporation or

association for such purposes and to do any and all things which may be necessary or desirable to carry out such purposes;

(e) To participate with any agency of the United States, any other governmental agency or any person, firm, corporation, association or group in mutual or cooperative programs or projects within the duties and powers of the board of trustees;

(f) To accept grants or donations of money or property, real or personal, from any agency of the United States, any other governmental agency or any person, firm, corporation, association or group. However, the board of trustees shall not be required, except by specific act of the Legislature, to accept any property without its consent; * * *

(g) To provide suitable markers with adequate descriptions of the historical sites to which they refer, for places of historical interest and to provide suitable markers on the highways and roads of this state showing the direction and distance to the historical sites * * *; and

(h) To establish, administer, manage and make expenditures and allocations from the Mississippi Historic Site Preservation Fund under the provisions of Section 1 of this act.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2839

Description: SMART Business Act; create SMART Business Accelerate Initiative and distinguish from SMART Business Rebate.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Finance
2	02/01	(S) Title Suff Do Pass
3	02/09	(S) Passed {Vote}
4	02/10	(S) Transmitted To House
5	02/24	(H) Referred To Ways and Means
6	03/02	(H) Title Suff Do Pass As Amended
7	03/08	(H) Read the Third Time
8	03/09	(H) Amended
9	03/09	(H) Passed As Amended {Vote}
10	03/10	(H) Returned For Concurrence
11	03/17	(S) Decline to Concur/Invite Conf
12	03/18	(S) Conferees Named Harkins,Thompson,England
13	03/23	(H) Conferees Named Lamar,Steverson,Massengill
14	03/28	(H) Conference Report Filed
15	03/28	(S) Conference Report Filed
16	03/29	(S) Conference Report Adopted {Vote}
17	03/29	(H) Conference Report Adopted {Vote}
18	04/01	(S) Enrolled Bill Signed
19	04/01	(H) Enrolled Bill Signed
20	04/16	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2839

Conference Reports:
Conference Report

Code Section: A 037-0148-0003, A 037-0148-0005, A 037-0148-0009

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Harkins

Title: AN ACT TO AMEND SECTION 37-148-3, MISSISSIPPI CODE OF 1972, TO ADD AND REVISE DEFINITIONS PERTAINING TO THE STRENGTHENING MISSISSIPPI ACADEMIC RESEARCH THROUGH (SMART) BUSINESS ACT; TO AMEND SECTION 37-148-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SMART BUSINESS ACT SHALL INCLUDE THE SMART BUSINESS REBATE TO PROMOTE RESEARCH PARTNERSHIPS BETWEEN COLLEGES AND INVESTORS AND THE SMART BUSINESS ACCELERATE INITIATIVE TO PROMOTE THE DEVELOPMENT OF STATE-OWNED INTELLECTUAL PROPERTY; TO SET OUT THE TERMS OF IMPLEMENTATION OF THE SMART BUSINESS REBATE AND THE SMART BUSINESS ACCELERATE INITIATIVE; TO REDUCE, FROM $5,000,000.00 TO $3,500,000.00, THE MAXIMUM TOTAL AMOUNT OF REBATES ISSUED UNDER THE SMART BUSINESS REBATE BY THE STATE IN ANY ONE FISCAL YEAR; TO AMEND SECTION 37-148-9, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT, FOR EACH SMART BUSINESS ACCELERATE INITIATIVE DISBURSEMENT CERTIFICATE ISSUED IN A GIVEN YEAR, THE REPORT FILED BY THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING WITH THE GOVERNOR AND THE LEGISLATURE MUST INCLUDE, BUT NOT NECESSARILY BE LIMITED TO, THE NAME OF THE APPLICANT, A DESCRIPTION OF THE RESEARCH VALIDATION AND THE AMOUNT OF THE DISBURSEMENT; TO CREATE NEW SECTION 37-148-11, MISSISSIPPI CODE OF 1972, TO REPEAL THE SMART BUSINESS ACT ON JULY 1, 2026; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Harkins To: Finance

SENATE BILL NO. 2839

AN ACT TO AMEND SECTION 37-148-3, MISSISSIPPI CODE OF 1972, TO ADD AND REVISE DEFINITIONS PERTAINING TO THE STRENGTHENING MISSISSIPPI ACADEMIC RESEARCH THROUGH (SMART) BUSINESS ACT; TO AMEND SECTION 37-148-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SMART BUSINESS ACT SHALL INCLUDE THE SMART BUSINESS REBATE TO PROMOTE RESEARCH PARTNERSHIPS BETWEEN COLLEGES AND INVESTORS AND THE SMART BUSINESS ACCELERATE INITIATIVE TO PROMOTE THE DEVELOPMENT OF STATE-OWNED INTELLECTUAL PROPERTY; TO SET OUT THE TERMS OF IMPLEMENTATION OF THE SMART BUSINESS REBATE AND THE SMART BUSINESS ACCELERATE INITIATIVE; TO REDUCE, FROM $5,000,000.00 TO $3,500,000.00, THE MAXIMUM TOTAL AMOUNT OF REBATES ISSUED UNDER THE SMART BUSINESS REBATE BY THE STATE IN ANY ONE FISCAL YEAR; TO AMEND SECTION 37-148-9, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT, FOR EACH SMART BUSINESS ACCELERATE INITIATIVE DISBURSEMENT CERTIFICATE ISSUED IN A GIVEN YEAR, THE REPORT FILED BY THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING WITH THE GOVERNOR AND THE LEGISLATURE MUST INCLUDE, BUT NOT NECESSARILY BE LIMITED TO, THE NAME OF THE APPLICANT, A DESCRIPTION OF THE RESEARCH VALIDATION AND THE AMOUNT OF THE DISBURSEMENT; TO CREATE NEW SECTION 37-148-11, MISSISSIPPI CODE OF 1972, TO REPEAL THE SMART BUSINESS ACT ON JULY 1, 2026; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-148-3, Mississippi Code of 1972, is amended as follows:

37-148-3. As used in this act, the following words and phrases have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "College" means the state institutions of higher learning in Mississippi which are accredited by the Southern Association of Colleges and Schools.

(b) "Investor" means a natural person, partnership, limited liability company, association, corporation, business trust or other business entity, not formed for the specific purpose of acquiring the rebate offered, which is subject to Mississippi income tax * * *.

(c) "Qualified research" means the systematic investigative process that is undertaken for the purpose of discovering information. The term "qualified research" does not include research conducted outside the State of Mississippi or research * * * expenses that are already being funded by any grant, contract or otherwise by another person or governmental entity.

(d) "Research agreement" means a written contract, grant or cooperative agreement entered into between a person and a college or research corporation for the performance of qualified research * * *. All qualified research costs generating a SMART Business Rebate must be spent by the college or research corporation on qualified research undertaken according to a research agreement.

(e) "Research corporation" means any research corporation formed under Section 37-147-15 if the corporation is

wholly owned by or affiliated with a college and all income and profits of the corporation inure to the benefit of the college.

(f) "Qualified research costs" means costs paid or incurred by an investor to a college or research corporation for qualified research undertaken according to a research agreement.

(g) "State" means the State of Mississippi or a governmental entity of the State of Mississippi.

(h) "IHL" means the Board of Trustees of State Institutions of Higher Learning in Mississippi.

(i) "SMART Business" means Strengthening Mississippi Academic Research Through Business.

(j) "Applicant" means a college or research corporation applying for SMART Business Accelerate Initiative funds to develop state-owned intellectual property into products and services.

(k) "Qualified validation expense" includes, but is not limited to, services that accelerate the development of early product concepts, conducting proof-of-concept studies, and manufacturing prototypes to perform research validation. Qualified validation expense does not include salaries or wages associated with a licensee of state-owned intellectual property, legal fees or any payment in conflict with state law.

(l) "Research validation" means research intended to validate the commercial viability of state-owned intellectual property.

(m) "Disbursement" means a grant of funds to support research validation.

SECTION 2. Section 37-148-5, Mississippi Code of 1972, is amended as follows:

37-148-5. (1) The SMART Business Act shall include the SMART Business Rebate to promote research partnerships between colleges and investors and the SMART Business Accelerate Initiative to promote the development of state-owned intellectual property.

(* * *2) The SMART Business Rebate shall be implemented as follows:

(a) Subject to the provisions of this chapter, an investor incurring qualified research costs subject to a research agreement is eligible for a rebate equal to twenty-five percent (25%) of the investor's qualified research costs.

(b) An investor incurring research costs may not claim a rebate pursuant to this chapter greater than One Million Dollars ($1,000,000.00) in any fiscal year.

(c) The total amount of rebates issued under * * * the SMART Business Rebate by the state in any fiscal year may not exceed * * * Three Million Five Hundred Thousand Dollars ($3,500,000.00).

(* * *d) Investors desiring to apply for the SMART Business rebate authorized by this chapter shall submit an

application to IHL which must contain, at a minimum, the following:

(* * *i) A description of the qualified research to be conducted by the college or research corporation;

(* * *ii) A proposed budget;

(* * *iii) An estimated date for completion of the qualified research; and

(* * *iv) Such additional information as may be requested by IHL.

(* * *e) IHL shall review each application to determine if the investor has satisfied all of the requirements of this section.

(* * *f) Within sixty (60) days of receiving an application, IHL shall issue or refuse to issue a SMART Business Rebate certificate. The SMART Business Rebate certificate must include the amount of the rebate the investor is eligible to claim, subject to subsection (1) of this section. IHL must notify the Department of Revenue when a SMART Business Rebate certificate is issued.

(* * *g) To claim a rebate, the investor must submit a rebate allocation claim to the Department of Revenue. The rebate allocation claim must include, at a minimum, the SMART Business Rebate certificate issued by IHL and proof of payment to the college or research corporation for qualified research conducted according to the research agreement.

(* * *h) The Department of Revenue may request an audit from the investor submitting a rebate allocation claim, at the investor's expense, to verify the investor has satisfied the requirements of this chapter.

(* * *i) The Department of Revenue shall issue rebates available under this subsection from current income tax collections.

(* * *j) Rebates must be allocated to investors by the Department of Revenue in the order that SMART Business Rebate certificates are issued by IHL.

(3) The SMART Business Accelerate Initiative shall be implemented as follows:

(a) Subject to the provisions of this chapter, an applicant performing research validation pursuant to a research agreement is eligible for a disbursement of up to One Hundred Fifty Thousand Dollars ($150,000.00) for the applicant's qualified validation expenses.

(b) The total amount of disbursements issued by the state under the SMART Business Accelerate Initiative in any fiscal year may not exceed One Million Five Hundred Thousand Dollars ($1,500,000.00).

(c) Applicants desiring to apply for a SMART Business Accelerate Initiative disbursement authorized by this chapter shall submit an application to IHL which must contain, at a minimum, the following:

(i) A description of the research validation to be conducted by the college or research corporation using funds from the disbursement;

(ii) A proposed budget of qualified validation expenses;

(iii) A certified determination from the applicant that the proposed research validation is necessary to develop state-owned intellectual property into products and services; and

(iv) Such additional information as may be requested by IHL.

(d) IHL shall review each application to determine if the applicant has satisfied all of the requirements of this section.

(e) Within sixty (60) days of receiving an application, IHL shall issue or refuse to issue a SMART Business Accelerate Initiative disbursement certificate. The SMART Business Accelerate Initiative disbursement certificate must include the amount of the disbursement the applicant is eligible to receive, subject to paragraphs (a) and (b) of this subsection. IHL must notify the Department of Revenue when a SMART Business Accelerate Initiative disbursement certificate is issued.

(f) IHL shall develop a process for accepting, reviewing and selecting proposals for SMART Business Accelerate Initiative disbursements and notifying the Department of Revenue when applicants have been selected to receive disbursements.

(g) The Department of Revenue shall issue disbursements available under this subsection from current income tax collections.

SECTION 3. Section 37-148-9, Mississippi Code of 1972, is amended as follows:

37-148-9. Before December 1 of each year, IHL shall file a report with the Governor, Secretary of the Senate and Clerk of the House of Representatives on the implementation of the Strengthening Mississippi Academic Research Through Business Act. For each research agreement where an investor was issued a SMART Business certificate during that year, the report must include, but not necessarily be limited to, the name of the investor and the rebate amount the investor was eligible to claim. For each SMART Business Accelerate Initiative disbursement certificate issued during that year, the report must include, but not necessarily be limited to, the name of the applicant, a description of the research validation and the amount of the disbursement.

SECTION 4. The following shall be codified as Section 37-148-11, Mississippi Code of 1972:

37-148-11. Sections 37-148-1, 37-148-3, 37-148-5, 37-148-7, 37-148-9 and 37-148-11, which constitute the Strengthening Mississippi Academic Research Through Business Act, shall stand repealed on July 1, 2026.

SECTION 5. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2850

Description: Certificate of title; allow application without usual documents for vehicles at least 30 years old on oath of ownership.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Finance
2	01/26	(S) Title Suff Do Pass
3	02/04	(S) Passed {Vote}
4	02/05	(S) Transmitted To House
5	02/24	(H) Referred To Ways and Means
6	03/02	(H) Title Suff Do Pass As Amended
7	03/08	(H) Read the Third Time
8	03/09	(H) Amended
9	03/09	(H) Passed As Amended {Vote}
10	03/10	(H) Returned For Concurrence
11	03/18	(S) Decline to Concur/Invite Conf
12	03/22	(S) Conferees Named Harkins,Parks,Whaley
13	03/23	(H) Conferees Named Lamar,Steverson,Massengill
14	03/26	(S) Conference Report Filed
15	03/26	(H) Conference Report Filed
16	03/28	(H) Conference Report Adopted {Vote}
17	03/28	(S) Conference Report Adopted {Vote}
18	03/31	(S) Enrolled Bill Signed
19	03/31	(H) Enrolled Bill Signed
20	04/09	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2850

Conference Reports:

Conference Report

Code Section: A 063-0021-0015

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Parks

Title: AN ACT TO AMEND SECTION 63-21-15, MISSISSIPPI CODE OF 1972, TO ALLOW APPLICATION FOR A CERTIFICATE OF TITLE TO A VEHICLE LACKING PROPER DOCUMENTATION IF THE VEHICLE IS AT LEAST 30 YEARS OLD AND THE APPLICANT SUBMITS A CERTIFICATE OF OWNERSHIP SIGNED UNDER PENALTY OF PERJURY ON A FORM PRESCRIBED BY THE DEPARTMENT OF REVENUE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Parks To: Finance

SENATE BILL NO. 2850

AN ACT TO AMEND SECTION 63-21-15, MISSISSIPPI CODE OF 1972, TO ALLOW APPLICATION FOR A CERTIFICATE OF TITLE TO A VEHICLE LACKING PROPER DOCUMENTATION IF THE VEHICLE IS AT LEAST 30 YEARS OLD AND THE APPLICANT SUBMITS A CERTIFICATE OF OWNERSHIP SIGNED UNDER PENALTY OF PERJURY ON A FORM PRESCRIBED BY THE DEPARTMENT OF REVENUE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-21-15, Mississippi Code of 1972, is amended as follows:

63-21-15. (1) The application for the certificate of title of a vehicle, manufactured home or mobile home in this state shall be made by the owner to a designated agent, on the form the Department of Revenue prescribes, and shall contain or be accompanied by the following, if applicable:

(a) The name, driver's license number, if the owner has been issued a driver's license, current residence and mailing address of the owner;

(b) (i) If a vehicle, a description of the vehicle, including the following data: year, make, model, vehicle identification number, type of body, the number of cylinders,

odometer reading at the time of application, and whether new or used; and

(ii) If a manufactured home or mobile home, a description of the manufactured home or mobile home, including the following data: year, make, model number, serial number and whether new or used;

(c) The date of purchase by applicant, the name and address of the person from whom the vehicle, manufactured home or mobile home was acquired, and the names and addresses of any lienholders in the order of their priority and the dates of their security agreements;

(d) In connection with the transfer of ownership of a manufactured home or mobile home sold by a sheriff's bill of sale, a copy of the sheriff's bill of sale;

(e) (i) An odometer disclosure statement made by the transferor of a motor vehicle. The statement shall read:

"Federal and state law requires that you state the mileage in connection with the transfer of ownership. Failure to complete or providing a false statement may result in fine and/or imprisonment.

I state that the odometer now reads _____ (no tenths) miles and to the best of my knowledge that it reflects the actual mileage of the vehicle described herein, unless one (1) of the following statements is checked:

_____ (1) I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage in excess of its mechanical limits.

_____ (2) I hereby certify that the odometer reading is not the actual mileage. WARNING-ODOMETER DISCREPANCY!"

(ii) In connection with the transfer of ownership of a motor vehicle, each transferor shall disclose the mileage to the transferee in writing on the title or on the document being used to reassign the title, which form shall be prescribed and furnished by the Department of Revenue. This written disclosure must be signed by the transferor and transferee, including the printed name of both parties.

Notwithstanding the requirements above, the following exemptions as to odometer disclosure shall be in effect:

1. A vehicle having a gross vehicle weight rating of more than sixteen thousand (16,000) pounds.

2. A vehicle that is not self-propelled.

3. A vehicle that is twenty (20) years old or older.

4. A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications.

5. A transferor of a new vehicle prior to its first transfer for purposes other than resale need not disclose the vehicle's odometer mileage.

(iii) Any person who knowingly gives a false statement concerning the odometer reading on an odometer disclosure statement shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of up to One Thousand Dollars ($1,000.00) or imprisonment of up to one (1) year, or both, at the discretion of the court. These penalties shall be cumulative, supplemental and in addition to the penalties provided by any other law; and

(f) For previously used manufactured homes and mobile homes that previously have not been titled in this state or any other state, a disclosure statement shall be made by the owner of the manufactured home or mobile home applying for the certificate of title. That statement shall read:

"I state that the previously used manufactured home or mobile home owned by me for which I am applying for a certificate of title, to the best of my knowledge:

_____ (1) Has never been declared a total loss due to flood damage, fire damage, wind damage or other damage; or

_____ (2) Has previously been declared a total loss due to:

_____ (a) Collision;

_____ (b) Flood;

_____ (c) Fire;

_____ (d) Wind;

_____ (e) Other (please describe): _____

_____."

(2) The application shall be accompanied by such evidence as the Department of Revenue reasonably requires to identify the vehicle, manufactured home or mobile home and to enable the Department of Revenue to determine whether the owner is entitled to a certificate of title and the existence or nonexistence of security interests in the vehicle, manufactured home or mobile home and whether the applicant is liable for a use tax as provided by Sections 27-67-1 through 27-67-33.

(3) If the application is for a vehicle, manufactured home or mobile home purchased from a dealer, it shall contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and the date of his security agreement and it shall be signed by the dealer as well as the owner. The designated agent shall promptly mail or deliver the application to the Department of Revenue.

(4) If the application is for a new vehicle, manufactured home or mobile home, it shall contain the certified manufacturer's statement of origin showing proper assignments to the applicant and a copy of each security interest document.

(5) Each application shall contain or be accompanied by the certificate of a designated agent that the vehicle, manufactured home or mobile home has been physically inspected by him and that the vehicle identification number and descriptive data shown on the application, pursuant to the requirements of subsection (1)(b)

of this section, are correct, and also that he has identified the person signing the application and witnessed the signature. If the application is to receive a branded title for a vehicle for which a salvage certificate of title has been issued, the application shall be accompanied by a sworn affidavit that the vehicle complies with the requirements of this section, Section 63-21-39 and the regulations promulgated by the Department of Revenue under Section 63-21-39.

(6) (a) If the application is for a first certificate of title on a vehicle, manufactured home or mobile home other than a new vehicle, manufactured home or mobile home, then the application shall conform with the requirements of this section except that in lieu of the manufacturer's statement of origin, the application shall be accompanied by a copy of the bill of sale of said motor vehicle, manufactured home or mobile home whereby the applicant claims title or in lieu thereof, in the case of a motor vehicle, certified copies of the last two (2) years' tag and tax receipts or in lieu thereof, in any case, such other information the Department of Revenue may reasonably require to identify the vehicle, manufactured home or mobile home and to enable the Department of Revenue to determine ownership of the vehicle, manufactured home or mobile home and the existence or nonexistence of security interest in it. If the application is for a vehicle, manufactured home or mobile home last previously registered in another state or country, the application shall also be

accompanied by the certificate of title issued by the other state or country, if any, properly assigned.

(b) A person may apply for a certificate of title to a vehicle lacking proper documentation if the vehicle is at least thirty (30) years old and the person submits a certificate of ownership signed under penalty of perjury on a form prescribed by the Department of Revenue.

(7) If the application is for a vehicle the owner does not intend to drive, the owner need not purchase a license tag in order to receive a certificate of title, so long as the application contains an affidavit attesting to the owner's intent that the vehicle not be operated on the highways of this state until and unless the owner applies for a license tag.

(8) Every designated agent within this state shall, no later than the next business day after they are received by him, forward to the Department of Revenue by mail, postage prepaid, the originals of all applications received by him, together with such evidence of title as may have been delivered to him by the applicants.

(9) An application for certificate of title and information to be placed on an application for certificate of title may be transferred electronically as provided in Section 63-21-16.

(10) The Department of Revenue shall issue a certificate of title or any other document applied for under this chapter to the designated agent, owner or lienholder of the motor vehicle or of

the manufactured home or mobile home, as appropriate, not more than thirty (30) days after the application and required fee prescribed under Section 63-21-63 or Section 63-21-64 are received unless the applicant requests expedited processing under subsection (11) of this section.

(11) (a) The Department of Revenue shall establish an expedited processing procedure for the receipt of applications and the issuance of certificates of title and any other documents issued under this chapter, except a replacement certificate of title as provided under Section 63-21-27(2), for motor vehicles and for manufactured homes or mobile homes. Any designated agent, lienholder or owner requesting the issuance of any such document, at his or her option, shall receive such expedited processing upon payment of a fee in the amount of Thirty Dollars ($30.00). Such fee shall be in addition to the fees applicable to the issuance of any such documents under Section 63-21-63 and Section 63-21-64.

(b) When expedited title processing is requested, the applicable fees are paid and all documents and information necessary for the Department of Revenue to issue the certificate of title or other documents applied for are received by the department, then the department shall complete processing of the application and issue the title or document applied for within seventy-two (72) hours of the time of receipt, excluding weekends and holidays.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2872

Description: Alcoholic beverages; remove election requirement for designation of area in Rankin County as a qualified resort area.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Finance
2	02/01	(S) Title Suff Do Pass
3	02/09	(S) Passed {Vote}
4	02/10	(S) Transmitted To House
5	02/24	(H) Referred To Ways and Means
6	03/02	(H) Title Suff Do Pass As Amended
7	03/08	(H) Read the Third Time
8	03/09	(H) Amended
9	03/09	(H) Passed As Amended {Vote}
10	03/10	(H) Returned For Concurrence
11	03/18	(S) Decline to Concur/Invite Conf
12	03/22	(S) Conferees Named Harkins,Kirby,Carter
13	03/23	(H) Conferees Named Lamar,Zuber,Powell
14	03/27	(S) Conference Report Filed
15	03/27	(H) Conference Report Filed
16	03/28	(H) Conference Report Adopted {Vote}
17	03/29	(S) Conference Report Adopted {Vote}
18	04/01	(S) Enrolled Bill Signed
19	04/01	(H) Enrolled Bill Signed
20	04/16	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2872

Conference Reports:
Conference Report

Code Section: A 067-0001-0016

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Harkins

Title: AN ACT TO AMEND SECTION 67-1-16, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT AN ELECTION BE HELD BEFORE A CERTAIN AREA IN RANKIN COUNTY, AS DEFINED IN SECTION 67-1-5, MAY BE DESIGNATED A QUALIFIED RESORT AREA; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Harkins To: Finance

SENATE BILL NO. 2872

AN ACT TO AMEND SECTION 67-1-16, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT THAT AN ELECTION BE HELD BEFORE A CERTAIN AREA IN RANKIN COUNTY, AS DEFINED IN SECTION 67-1-5, MAY BE DESIGNATED A QUALIFIED RESORT AREA; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 67-1-16, Mississippi Code of 1972, is amended as follows:

67-1-16. (1) (a) Before an area may be designated by the governing authorities of a municipality as an area in which facilities which are defined as qualified resort areas in Section 67-1-5(o)(iii)5 may be located, an election shall be held, under the election laws applicable to the municipality, on the question of whether qualified resort areas shall be allowed in the municipality. An election to determine whether qualified resort areas shall be allowed in the municipality shall be ordered by the municipal governing authorities, upon presentation to the governing authorities of a petition containing the names of at least twenty percent (20%) of the duly qualified voters of the municipality asking for the election. An election on the question

may not be held by the municipality more often than once each year.

(b) Thirty (30) days' notice shall be given to the qualified electors of the municipality, in the manner prescribed by law, on the question of allowing qualified resort areas to be established. The notice shall contain a statement of the question to be voted on at the election. The ballots used in the election shall have the following words printed thereon: "FOR THE ESTABLISHMENT OF QUALIFIED RESORT AREAS," and next below, "AGAINST THE ESTABLISHMENT OF QUALIFIED RESORT AREAS." In marking his ballot, the voter shall make a cross (X) opposite the words of his choice.

(c) Qualified resort areas may be established if a majority of the qualified electors voting in the election vote for such establishment. A qualified resort area may not be established if a majority of the qualified electors voting in the election vote against such establishment.

(2) (a) Before a municipality may be designated as a qualified resort area as defined in Section 67-1-5(o)(iii)6, an election shall be held, under the election laws applicable to the municipality, on the question of whether the municipality shall be a qualified resort area. An election to determine whether the municipality shall be a qualified resort area shall be ordered by the municipal governing authorities, upon presentation to the governing authorities of a petition containing the names of at

least twenty percent (20%) of the duly qualified voters of the municipality asking for the election. An election on the question may not be held by the municipality more often than once each year.

(b) Thirty (30) days' notice shall be given to the qualified electors of the municipality, in the manner prescribed by law, on the question of allowing qualified resort areas to be established. The notice shall contain a statement of the question to be voted on at the election. The ballots used in the election shall have the following words printed thereon: "FOR THE ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below, "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In marking his ballot, the voter shall make a cross (X) opposite the words of his choice.

(c) The municipality may be established as a qualified resort area if a majority of the qualified electors voting in the election vote for such establishment. A qualified resort area may not be established if a majority of the qualified electors voting in the election vote against such establishment.

(3) (a) Before an area may be designated a qualified resort area as defined in Section 67-1-5(o)(iii)7, an election shall be held in the municipality in which the area is located under the election laws applicable to the municipality, on the question of whether the area shall be a qualified resort area. An election to determine whether the area shall be a qualified resort area shall

be ordered by the municipal governing authorities, upon presentation to the governing authorities of a petition containing the names of at least twenty percent (20%) of the duly qualified voters of the municipality asking for the election. An election on the question may not be held by the municipality more often than once each year.

(b) Thirty (30) days' notice shall be given to the qualified electors of the municipality, in the manner prescribed by law, on the question of allowing qualified resort areas to be established. The notice shall contain a statement of the question to be voted on at the election. The ballots used in the election shall have the following words printed thereon: "FOR THE ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below, "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In marking his ballot, the voter shall make a cross (X) opposite the words of his choice.

(c) The area may be established as a qualified resort area if a majority of the qualified electors voting in the election vote for such establishment. A qualified resort area may not be established if a majority of the qualified electors voting in the election vote against such establishment.

* * *

(* * *4) (a) Before a municipality may be designated as a qualified resort area as defined in Section 67-1-5(o)(iii)21, an election shall be held, under the election laws applicable to the

municipality, on the question of whether the municipality shall be a qualified resort area. An election to determine whether the municipality shall be a qualified resort area shall be ordered by the municipal governing authorities. An election on the question may not be held by the municipality more often than once each year.

(b) Thirty (30) days' notice shall be given to the qualified electors of the municipality, in the manner prescribed by law, on the question of allowing qualified resort areas to be established. The notice shall contain a statement of the question to be voted on at the election. The ballots used in the election shall have the following words printed thereon: "FOR THE ESTABLISHMENT OF A QUALIFIED RESORT AREA," and next below, "AGAINST THE ESTABLISHMENT OF A QUALIFIED RESORT AREA." In marking his ballot, the voter shall make a cross (X) opposite the words of his choice.

(c) The municipality may be established as a qualified resort area if a majority of the qualified electors voting in the election vote for such establishment. A qualified resort area may not be established if a majority of the qualified electors voting in the election vote against such establishment.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2874

Description: Residential and commercial contractors; require sales tax permit from Department of Revenue for pulling building permit.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(S) Referred To Finance
2	02/01	(S) Title Suff Do Pass
3	02/09	(S) Passed {Vote}
4	02/10	(S) Transmitted To House
5	02/24	(H) Referred To Ways and Means
6	03/02	(H) Title Suff Do Pass As Amended
7	03/08	(H) Read the Third Time
8	03/09	(H) Amended
9	03/09	(H) Passed As Amended {Vote}
10	03/10	(H) Returned For Concurrence
11	03/17	(S) Decline to Concur/Invite Conf
12	03/18	(S) Conferees Named Harkins,McMahan,Thompson
13	03/23	(H) Conferees Named Lamar,Steverson,Massengill
14	03/29	(S) Conference Report Filed
15	03/29	(H) Conference Report Filed
16	03/30	(H) Conference Report Adopted {Vote}
17	03/30	(S) Failed
18	03/30	(S) Motion to Reconsider Entered
19	03/30	(S) Reconsidered
20	03/30	(S) Conference Report Adopted {Vote}
21	04/01	(S) Enrolled Bill Signed
22	04/01	(H) Enrolled Bill Signed
23	04/22	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2874

Conference Reports:
Conference Report

Code Section: A 027-0065-0027

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Harkins
Additional Authors: McMahan

Title: AN ACT TO CREATE A NEW SECTION IN TITLE 73, CHAPTER 59, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT ALL RESIDENTIAL CONTRACTORS, IN ORDER TO OBTAIN A BUILDING PERMIT IN THIS STATE, POSSESS A PERMIT FROM THE DEPARTMENT OF REVENUE ISSUED UNDER SECTION 27-65-27; TO DEFINE "RESIDENTIAL CONTRACTOR" FOR PURPOSES OF THIS PERMIT REQUIREMENT; TO CREATE A NEW SECTION IN TITLE 31, CHAPTER 3, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT ALL COMMERCIAL CONTRACTORS, IN ORDER TO OBTAIN A BUILDING PERMIT IN THIS STATE, POSSESS A PERMIT FROM THE DEPARTMENT OF REVENUE ISSUED UNDER SECTION 27-65-27; TO DEFINE "COMMERCIAL CONTRACTOR" FOR PURPOSES OF THIS PERMIT REQUIREMENT; TO AMEND SECTION 27-65-27, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE ABOVE PROVISIONS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Harkins, McMahan To: Finance

SENATE BILL NO. 2874
(As Sent to Governor)

AN ACT TO CREATE A NEW SECTION IN TITLE 73, CHAPTER 59, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT ALL RESIDENTIAL CONTRACTORS, IN ORDER TO OBTAIN A BUILDING PERMIT IN THIS STATE, POSSESS A PERMIT FROM THE DEPARTMENT OF REVENUE ISSUED UNDER SECTION 27-65-27; TO DEFINE "RESIDENTIAL CONTRACTOR" FOR PURPOSES OF THIS PERMIT REQUIREMENT; TO CREATE A NEW SECTION IN TITLE 31, CHAPTER 3, MISSISSIPPI CODE OF 1972, TO REQUIRE THAT ALL COMMERCIAL CONTRACTORS, IN ORDER TO OBTAIN A BUILDING PERMIT IN THIS STATE, POSSESS A PERMIT FROM THE DEPARTMENT OF REVENUE ISSUED UNDER SECTION 27-65-27; TO DEFINE "COMMERCIAL CONTRACTOR" FOR PURPOSES OF THIS PERMIT REQUIREMENT; TO AMEND SECTION 27-65-27, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE ABOVE PROVISIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. All residential contractors, in order to obtain a building permit in the State of Mississippi, shall possess a permit from the Department of Revenue issued under Section 27-65-27.

Notwithstanding the definitions of "residential builder" and "remodeler" in Section 73-59-1, for purposes of this section, a residential contractor is a person or entity contracting or offering to contract with an owner or possessor of residential real estate to construct a residence or appurtenant structure

thereon, or to repair or renovate any portion of a residence or appurtenant structure thereon, regardless of the cost of the project, and regardless of whether all or part of the cost is expected to be paid as a benefit of a property and casualty insurance policy. A residential contractor is not a person building, repairing or renovating his or her own personal residence.

This section shall not apply to a residential contractor having a permanent place of business in the State of Mississippi or licensed under Section 31-3-1 et seq.

SECTION 2. All commercial contractors, in order to obtain a building permit in the State of Mississippi, shall possess a permit from the Department of Revenue issued under Section 27-65-27.

Notwithstanding the definition of "contractor" in Section 31-3-1, for purposes of this section, a commercial contractor is a person or entity contracting or offering to contract with an owner or possessor of commercial real estate to construct a building thereon, or to repair or renovate any portion of a building thereon, regardless of the cost of the project, and regardless of whether all or part of the cost is expected to be paid as a benefit of a property and casualty insurance policy.

This section shall not apply to a commercial contractor having a permanent place of business in the State of Mississippi or licensed under Section 31-3-1 et seq.

SECTION 3. Section 27-65-27, Mississippi Code of 1972, is amended as follows:

27-65-27. (1) Any person who engages, or who intends to engage, in any business or activity which will subject such person to a privilege tax imposed by this chapter, or which falls within the scope of Section 1 or Section 2 of this act, shall apply to the commissioner for a permit to engage in and to conduct any business or activity upon the condition that he shall pay the tax accruing to the State of Mississippi under the provisions of this chapter, and shall keep adequate records of such business or activity as required by this chapter. By making an application for a permit issued pursuant to this section, a person agrees, regardless of his presence in this state, to:

(a) Be subject to the jurisdiction of this state for purposes of taxation;

(b) Collect and remit all taxes levied under this chapter on the type of business or activity to be conducted by the applicant;

(c) Be subject to all the provisions of this chapter.

(2) Upon receipt of the permit, the applicant shall be duly licensed under this chapter to engage in and conduct the business or activity. The permit shall continue in force so long as the person to whom it is issued shall continue in the same business at the same location, unless revoked by the commissioner for cause.

(3) The commissioner shall require of every person desiring to engage in business within this state who maintains no permanent place of business within this state, of every person desiring to engage in the business of making sales of mobile homes, a cash bond or an approved surety bond in an amount sufficient to cover twice the estimated tax liability for a period of three (3) months. However, the bond shall in no case be less than One Hundred Dollars ($100.00) and the tax may be prepaid in lieu of filing bond if the amount is approved by the commissioner. This bond shall be filed with the commissioner prior to the issuance of a permit to do business and before any such person may engage in business within this state. Failure to comply with the provision will subject such person to the penalties provided by this chapter.

(4) The commissioner is authorized to deny the application for a permit or revoke the permit of any person who has failed or is failing to comply with any of the provisions of this chapter. The commissioner may also deny the application for a permit or revoke the permit of any person who has failed to satisfy all of the finally determined tax liabilities owed by that person. If the applicant or taxpayer is an entity, the commissioner may deny the application for a permit or revoke the permit if any partner, member, principal officer or director of such entity has failed to satisfy all of the finally determined tax liabilities owed by that partner, member, principal officer or director. Any denial or

revocation of an entity's permit based on a partner, member, principal officer or director's finally determined tax liability shall only be authorized if the partner, member, principal officer or director owns ten percent (10%) or more of the entity and is or will be exercising responsibility for fiscal management. In lieu of denying or revoking an entity's permit, the commissioner may accept an increased or additional bond from the entity to cover the additional risk involved with having an individual with a finally determined tax liability involved. As used in this subsection, "finally determined tax liabilities" means any state tax, fee, penalty and/or interest owed by a person to the Department of Revenue where the assessment of the liability has been made against that person as provided by law and such assessment is not subject to any further timely filed administrative or judicial review. Revocation of such permit, or engaging or continuing in business after such permit is revoked or engaging in business without a permit, shall subject the person to all the penalties imposed by this chapter.

(5) Any person liable for the tax who fails to obtain a permit from the commissioner, or who continues in business after such permit has been revoked, or who fails to make his returns for taxation as provided, or who fails to keep adequate records and invoices provided by this chapter, or who fails or refuses to permit inspection of such records, or who fails to pay any taxes due hereunder, shall forfeit his rights to do business in this

state until he complies with all the provisions of this chapter and until he enters into a bond, with sureties, to be approved by the commissioner, in an amount not to exceed twice the amount of all taxes estimated to become due under this chapter by the person for any period of three (3) months, conditioned to comply with the provisions of this chapter, and pay all taxes legally due by him.

(6) If any person is engaged in or continuing in this state in any business or activity without obtaining a permit, or after the permit has been revoked, or without filing a required bond, or without keeping and allowing inspection of all records required by this chapter, or without making a return, or returns, and without paying all taxes due by him hereunder, it shall be the duty of the commissioner to proceed by injunction to prevent the continuance of the business. Any temporary injunction enjoining the continuance of the business shall be granted without notice by a judge or chancellor now authorized to grant injunctions.

SECTION 4. (1) Section 1 of this act shall be codified in Title 73, Chapter 59, Mississippi Code of 1972.

(2) Section 2 of this act shall be codified in Title 31, Chapter 3, Mississippi Code of 1972.

SECTION 5. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

Senate Bill 2895

Description: Ad valorem taxation; allow county to exempt up to 50% of assessed value of renewable energy project property from.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: Revenue
Revenue: Yes
Vote type required: Three/Fifths
Effective date: Passage

History of Actions:

1	02/03	(S) Referred To Finance
2	02/24	(S) Title Suff Do Pass Comm Sub
3	02/24	(S) Committee Substitute Adopted
4	02/24	(S) Passed {Vote}
5	02/25	(S) Transmitted To House
6	02/25	(H) Referred To Ways and Means
7	03/11	(H) Title Suff Do Pass As Amended
8	03/15	(H) Read the Third Time
9	03/16	(H) Amended
10	03/16	(H) Passed As Amended {Vote}
11	03/17	(H) Returned For Concurrence
12	03/18	(S) Decline to Concur/Invite Conf
13	03/22	(S) Conferees Named Harkins,Suber,Horhn
14	03/23	(H) Conferees Named Lamar,Steverson,Lancaster
15	03/26	(H) Conference Report Filed
16	03/26	(S) Conference Report Filed
17	03/28	(H) Recommitted For Further Conf
18	03/28	(S) Recommitted For Further Conf
19	03/28	(H) Conference Report Filed
20	03/28	(S) Conference Report Filed
21	03/29	(S) Conference Report Adopted {Vote}
22	03/29	(H) Conference Report Adopted {Vote}
23	04/01	(S) Enrolled Bill Signed
24	04/01	(H) Enrolled Bill Signed
25	04/16	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2895
Conference Reports:
Conference Report
Conference Report # 2

----- Additional Information -----

Senate Committee: Finance
House Committee: Ways and Means

Principal Author: Suber
Additional Authors: Jackson (11th), Jordan

Title: AN ACT TO ALLOW A COUNTY BOARD OF SUPERVISORS TO EXEMPT FROM AD VALOREM TAXATION THE PROPERTY OF A RENEWABLE ENERGY PROJECT, UP TO AN AMOUNT NOT TO EXCEED 50% OF THE TOTAL ASSESSED VALUE OF THE PROJECT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Suber, Jackson (11th), Jordan To: Finance

SENATE BILL NO. 2895
(As Sent to Governor)

AN ACT TO ALLOW A COUNTY BOARD OF SUPERVISORS TO EXEMPT FROM AD VALOREM TAXATION THE PROPERTY OF A RENEWABLE ENERGY PROJECT, UP TO AN AMOUNT NOT TO EXCEED 50% OF THE TOTAL ASSESSED VALUE OF THE PROJECT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) As used in this section, "project" means a facility, placed in operation after the effective date of this act, generating energy through the use of a renewable energy source such as wind, water, biomass or solar.

(2) In any project with a capital investment from private sources of not less than One Hundred Million Dollars ($100,000,000.00), all property, whether real, personal or mixed, including fixtures and leaseholds utilized in the project, including, but not limited to, operational and environmental property utilized in the project, may be exempted by the county board of supervisors from ad valorem taxation up to an amount not to exceed fifty percent (50%) of the total assessed value of the project.

SECTION 2. This act shall take effect and be in force from and after its passage.

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